

2005 Senate Bill 365

Date of enactment: **March 21, 2006**

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2005 WISCONSIN ACT 149

AN ACT relating to: repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting, and clarifying references, and eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions (Revisor's Revision Bill).

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

NOTE: This bill is not intended to make any substantive changes.

SECTION 1. 5.15 (1) (a) of the statutes is renumbered 5.15 (1) (a) 1. and amended to read:

5.15 (1) (a) 1. Every city, village, and town in this state shall by its common council or village or town board, respectively, be divided into wards as provided in this section, except as authorized in sub. (2). The boundaries of the wards established under this section, and the number assigned to each ward, are intended to be as permanent as possible, and to this end each ward shall when created contain a population at a convenient point within the applicable population range under sub. (2) (b), with due consideration for the known trends of population increase or decrease within that part of the municipality in which the ward is located.

2. Once established, the boundaries of each ward shall remain unchanged until a further decennial federal census of population indicates that the population of a ward is then above or below the applicable population range or until the ward boundaries are required to be changed to permit creation of supervisory or aldermanic districts of substantially equal population or to enhance the participation of members of a racial or language

minority group in the political process and their ability to elect representatives of their choice.

3. If the population of a ward has increased above the maximum of its population range or if the population of a ward must be decreased for a reason specified in ~~this paragraph subd. 2.~~, the ward shall be divided into 2 or more wards in compliance with sub. (2) (b). If the population of a ward has decreased below the minimum of its population range or if the population of a ward must be increased for a reason specified in ~~this paragraph subd. 2.~~, the ward shall, if possible, be combined with an adjoining ward, or the underpopulated ward and one adjoining ward shall be combined and together subdivided into 2 or more wards in compliance with sub. (2).

NOTE: Divides long sentence to correct sentence agreement and subdivides long provision for improved readability and conformity with current style.

SECTION 2. 5.58 (intro.) (except 5.58 (title)) of the statutes is renumbered 5.58 (1a) and amended to read:

5.58 (1a) GENERALLY. At spring primary elections the following ballots under subs. (1b) to (2r), when necessary, shall be provided for each ward, except as authorized in s. 5.655. Except as provided under sub. (2r), only nonpartisan candidates nominated for office by nomination papers shall have their names placed on the official spring primary ballot under the proper office designation, but the ballots shall allow room for write-in candidates.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

NOTE: Renumbers provision that is not an introductory paragraph according to current style. Adds a title for conformity with the remainder of the section.

SECTION 3. 5.58 (1) (title) of the statutes is renumbered 5.58 (1b) (title).

NOTE: See the next section of this bill.

SECTION 4. 5.58 (1) (intro.) (except 5.58 (1) (title)) of the statutes is renumbered 5.58 (1b) (am).

NOTE: Renumbers provision that is not an introductory paragraph according to current style.

SECTION 5. 5.58 (1) (a) and (c) of the statutes are renumbered 5.58 (1b) (bm) and (cm).

NOTE: Renumbers provisions to accommodate the renumbering of s. 5.58 (1) (intro.) by this bill.

SECTION 6. 5.58 (2r) (intro.) (except 5.58 (2r) (title)) of the statutes is renumbered 5.58 (2r) (am) and amended to read:

5.58 (2r) (am) Except as authorized in s. 5.655, there shall be a separate ballot for each recognized political party filing a certification under s. 8.12 (1), listing the names of all potential candidates of that party determined under s. 8.12 and affording, in addition, an opportunity to the voter to nominate another potential candidate by write-in vote or to vote for an uninstructed delegation to the party convention. The order of such presidential candidates on the ballot shall be determined by lot by or under the supervision of the board. Each voter shall be given the ballots of all the parties participating in the presidential preference vote, but may vote on one ballot only.

NOTE: Renumbers provision that is not an introductory paragraph according to current style. Replaces a disfavored term and inserts a specific reference.

SECTION 7. 5.58 (2r) (a) of the statutes is renumbered 5.58 (2r) (bm).

NOTE: Renumbers provision to accommodate the renumbering of s. 5.58 (2r) (intro.) by this bill.

SECTION 8. 5.60 (intro.) of the statutes is amended to read:

5.60 Spring election ballots. (intro.) At spring elections all of the following ballots, when necessary, shall be provided for each ward, except as authorized in s. 5.655:

NOTE: Conforms introductory provision to current style.

SECTION 9. 5.60 (1) (intro.) (except 5.60 (1) (title)) of the statutes is renumbered 5.60 (1) (ag) and amended to read:

5.60 (1) (ag) There shall be one separate ballot for state superintendent, judicial officers, county executive, and county supervisor, except as authorized in s. 5.655. For county supervisor, the ballot shall be prepared in accordance with ss. 5.58 (2) and 59.10 (3). Arrangement of the names of candidates for county executive, county supervisor, and municipal judge, if the judge is elected under s. 755.01 (4), shall be determined by the county clerk or the executive director of the county board of election commissioners determining ballot arrangement under s. 5.58 (1c), in the manner prescribed in par. (b).

NOTE: Renumbers provision that is not an introductory provision according to current style.

SECTION 10. 5.60 (1) (a) of the statutes is renumbered 5.60 (1) (ar).

NOTE: Renumbers provision to accommodate the renumbering of s. 5.60 (1) (intro.) by this bill.

SECTION 11. 5.60 (3) (intro.) (except 5.60 (3) (title)) of the statutes is renumbered 5.60 (3) (ag).

NOTE: Renumbers a provision that is not an introductory paragraph according to current style.

SECTION 12. 5.60 (3) (a) of the statutes is renumbered 5.60 (3) (am) and amended to read:

5.60 (3) (am) No party designation shall appear on the official ballot for city offices.

NOTE: Renumbers provision to accommodate renumbering of s. 5.60 (3) (intro.) by this bill and inserts specific reference.

SECTION 13. 5.60 (5) (intro.) (except 5.60 (5) (title)) of the statutes is renumbered 5.60 (5) (ag).

NOTE: Renumbers provision that is not an introductory provision according to current style.

SECTION 14. 5.60 (5) (a) of the statutes is renumbered 5.60 (5) (ar).

NOTE: Renumbers provision to accommodate the renumbering of s. 5.60 (5) (intro.) by this bill.

SECTION 15. 5.62 (4) (intro.) of the statutes is renumbered 5.62 (4) (ag).

NOTE: Renumbers provision that is not an introductory provision according to current style.

SECTION 16. 5.62 (4) (a) of the statutes is renumbered 5.62 (4) (ar).

NOTE: Renumbers provision to accommodate the renumbering of s. 5.62 (4) (intro.) by this bill.

SECTION 17. 5.64 (intro.) of the statutes is amended to read:

5.64 General election ballots. (intro.) At general elections all of the following ballots, when necessary, shall be provided for each ward:

NOTE: Conforms introductory provision to current style.

SECTION 18. 5.64 (1) (intro.) (except 5.64 (1) (title)) of the statutes is renumbered 5.64 (1) (ag) and amended to read:

5.64 (1) (ag) Except as authorized in s. 5.655, there shall be a separate ballot giving the names of all candidates for president and vice president and for statewide, congressional, legislative, and county offices in the same form as prescribed by the board under s. 7.08 (1) (a).

NOTE: Renumbers provision that is not an introductory provision according to current style.

SECTION 19. 5.64 (1) (a) of the statutes is renumbered 5.64 (1) (ar) 1. (intro.) and amended to read:

5.64 (1) (ar) 1. (intro.) The ballot shall permit an elector to vote do any of the following:

a. Vote a straight party ticket for president and vice president, whenever those offices are contested, and for all statewide, congressional, legislative, and county offices, ~~to vote~~.

b. Vote for individual candidates for each office ~~or to vote~~.

c. Vote for a person whose name does not appear on the ballot for any office.

2. When voting for governor and lieutenant governor, the ballot shall permit an elector to vote only for the candidates on one ticket jointly or write in the names of persons in both spaces.

NOTE: Renumbers provision to accommodate renumbering of s. 5.64 (1) (intro.) and subdivides provision by placing list in tabular form.

SECTION 20. 5.85 (2) of the statutes is renumbered 5.85 (2) (a) and amended to read:

5.85 (2) (a) The election officials shall examine the ballots or record of votes cast for write-in votes and shall count and tabulate the write-in votes. When an electronic voting system is used in which ~~utilizes a ballot which is~~ ballots are distributed to electors, before separating the remaining ballots from their respective covering envelopes, the election officials shall examine the ballots for write-in votes. When an elector has cast a write-in vote, the election officials shall compare the write-in vote with the votes on the ballot to determine whether the write-in vote results in an overvote for any office. In case of an overvote for any office, the election officials shall make a true duplicate ballot of all votes on the ballot except for the office ~~which that~~ is overvoted, by using an official ballot of that kind used by the elector who voted the original ballot, and one of the marking devices so as to transfer all votes of the elector except for the office overvoted, to an official ballot of that kind used in the ward at that election. Unless election officials are selected under s. 7.30 (4) (c) without regard to party affiliation, the election officials shall consist in each case of at least one election official of each of the 2 major political parties, whenever officials of both parties are present.

(b) Write-in votes shall be counted as provided in s. 7.50 (2) (d). The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot" and the duplicate ballot so produced under par. (a) shall be clearly labeled "Duplicate Overvoted Ballot", and each shall bear the same serial number which shall be placed thereon by the. The election officials, shall place the same serial number on each "Overvoted Ballot" and its corresponding "Duplicate Overvoted Ballot," commencing with number "1" and continuing consecutively for each of the ballots of that kind for which a "Duplicate Overvoted Ballot" is produced in that ward or election district. The election officials shall initial the "Duplicate Overvoted Ballot" ballots and shall place them in the container for return of the ballots. The "Overvoted Ballot" ballots and their envelopes shall be placed in the "Original Ballots" envelope.

(c) Ballots bearing write-in votes marked in the place designated ~~therefor and~~ for write-in votes, bearing the initials of an election official ~~and,~~ not resulting in an overvote, and otherwise complying with the election laws as to marking shall be counted, tallied, and their votes recorded on a tally sheet provided by the municipal clerk. Ballots and ballot envelopes shall be separated and all

ballots except any ~~which that~~ are defective or overvoted shall be placed separately in the container for return of the ballots, along with the ballots marked "Duplicate Overvoted Ballots".

NOTE: Divides long sentence, subdivides long provision, and inserts specific references. Commas are added and periods are moved inside of quotes in conformity with current style.

SECTION 21. 6.03 (1) (a) of the statutes is amended to read:

6.03 (1) (a) Any person who is incapable of understanding the objective of the elective process or who is under guardianship pursuant to the order of a court under ch. 880, except that when a person is under limited guardianship, the court may determine that the person is competent to exercise the right to vote.

NOTE: Conforms punctuation to current style. Inserts "who is" for clarity.

SECTION 22. 6.22 (1) (b) 1. of the statutes is amended to read:

6.22 (1) (b) 1. Members of a uniformed service.

NOTE: Conforms punctuation to current style.

SECTION 23. 6.875 (4) of the statutes is renumbered 6.875 (4) and amended to read:

6.875 (4) (a) For the purpose of absentee voting in nursing homes and qualified retirement homes and qualified community-based residential facilities, the municipal clerk or board of election commissioners of each municipality in which one or more nursing homes or qualified retirement homes or qualified community-based residential facilities are located shall appoint at least 2 special voting deputies for the municipality. Upon application under s. 6.86 (1) or (2) by one or more qualified electors who are occupants of ~~such~~ a nursing home or qualified retirement home or qualified community-based residential facility, the municipal clerk or board of election commissioners of the municipality in which the home or facility is located shall dispatch 2 special voting deputies to visit the home or qualified community-based residential facility for the purpose of supervising absentee voting procedure by occupants of the home or qualified community-based residential facility. The 2 deputies designated to visit each nursing home or qualified retirement home and qualified community-based residential facility shall be affiliated with different political parties whenever deputies representing different parties are available.

(b) Nominations for the special voting deputy positions described in par. (a) may be submitted by the 2 recognized political parties whose candidates for governor or president received the greatest numbers of votes in the municipality at the most recent general election. The deputies shall be specially appointed to carry out the duties under ~~this section~~ par. (a) for the period specified in s. 7.30 (6) (a). The clerk or board of election commissioners may revoke an appointment at any time. No indi-

vidual who is employed or retained, or within the 2 years preceding appointment has been employed or retained, at a nursing home or qualified retirement home or qualified community-based residential facility in the municipality, or any member of the individual's immediate family of ~~such an individual~~, as defined in s. 19.42 (7), may be appointed to serve as a deputy.

NOTE: Subdivides long provision and inserts a specific reference.

SECTION 24. 6.875 (6) of the statutes is renumbered 6.875 (6) (a) and amended to read:

6.875 (6) (a) Special voting deputies in each municipality shall, not later than 5 p.m. on the Friday preceding an election, arrange one or more convenient times with the administrator of each nursing home, qualified retirement home, and qualified community-based residential facility in the municipality from which one or more occupants have filed an application under s. 6.86 to conduct absentee voting for the election. The time may be no earlier than the 4th Monday preceding the election and no later than 5 p.m. on the Monday preceding the election. ~~Upon request of a relative of an occupant of a nursing home or qualified retirement home or qualified community-based residential facility, the administrator may notify the relative of the time or times at which special voting deputies will conduct absentee voting at the home or facility, and permit the relative to be present in the room where the voting is conducted.~~ At the designated time, 2 deputies appointed under sub. (4) shall visit the home or facility.

(b) The municipal clerk or executive director of the board of election commissioners shall issue a supply of absentee ballots to the deputies sufficient to provide for the number of valid applications for an absentee ballot received by the clerk, and a reasonable additional number of ballots. The municipal clerk or executive director shall keep a careful record of all ballots issued to the deputies and shall require the deputies to return every ballot issued to them. The

(c) 1. Upon their visit to the home or facility under par. (a), the deputies shall personally offer each elector who has filed a proper application for an absentee ballot the opportunity to cast his or her absentee ballot. If an elector is present who has not filed a proper application for an absentee ballot, the 2 deputies may accept an application from the elector and shall issue a ballot to the elector if the elector is qualified and the application is proper. The deputies shall each witness the certification and may, upon request of the elector, assist the elector in marking the elector's ballot. All voting shall be conducted in the presence of the deputies. Upon request of the elector, a relative of the elector who is present in the room may assist the elector in marking the elector's ballot. ~~All voting shall be conducted in the presence of the deputies.~~ No individual other than a deputy may witness the certification and no individual other than a deputy or

relative of an elector may render voting assistance to the elector.

(d) Upon completion of the voting, the deputies shall promptly deliver, either personally or by 1st class mail, any absentee ballot applications and the sealed certificate envelope containing each ballot to the clerk or board of election commissioners of the municipality in which the elector casting the ballot resides, within such time as will permit delivery to the polling place serving the elector's residence on election day. Personal delivery may be made by the deputies no later than noon on election day.

(e) If a qualified elector is not able to cast his or her ballot on 2 separate visits by the deputies to the home or facility, ~~they~~ the deputies shall so inform the municipal clerk or executive director of the board of election commissioners, who may then send the ballot to the elector no later than 5 p.m. on the Friday preceding the election.

NOTE: Subdivides long provision, inserts specific references, and reorders text. See also the next section of this bill.

SECTION 25. 6.875 (6) (c) 2. of the statutes is created to read:

6.875 (6) (c) 2. Upon the request of a relative of an occupant of a nursing home or qualified retirement home or qualified community-based residential facility, the administrator of the home or facility may notify the relative of the time or times at which special voting deputies will conduct absentee voting at the home or facility, and permit the relative to be present in the room where the voting is conducted.

NOTE: Moves text within s. 6.875 (6) for more logical placement. See also the previous section of this bill.

SECTION 26. 7.25 (6) (c) of the statutes is amended to read:

7.25 (6) (c) After the inspection under par. (b), on the blanks forms furnished, ~~they~~ the election officials shall certify the condition of each voting machine and its counters. Each form shall be signed by each election official. After the election, one copy of each machine's certification shall be delivered with each copy of the election returns.

NOTE: Replaces disfavored term and inserts specific reference.

SECTION 27. 7.30 (4) (b) (intro.) of the statutes is amended to read:

7.30 (4) (b) (intro.) The 2 dominant parties, under sub. (2), are each responsible for submitting a list of names from which the appointees shall be chosen: as follows:

NOTE: Conforms structure of introductory paragraph with current style.

SECTION 28. 7.30 (4) (b) 2. of the statutes is renumbered 7.30 (4) (b) 2. a. and amended to read:

7.30 (4) (b) 2. a. In municipalities other than cities and villages located in counties having a population of more than 500,000, the committees organized under s. 8.17 from each of the 2 dominant parties under sub. (2) shall submit a list containing at least as many names as

there are needed appointees from that party. The list shall be submitted by the chairperson of each of the 2 committees to the mayor, president, or chairperson of the municipality. If committees are organized in subdivisions of a city, the list shall be submitted through the chairperson of the city committee. If there is no municipal committee, the list shall be submitted by the chairperson of the county or legislative district committee. Except as provided in par. (c), only those persons submitted by the chairperson of each committee under s. 8.17 may act as election officials. The chairperson may designate any individual whose name is submitted as a first choice nominee. The list shall contain the signature of the chairperson and secretary of the submitting committee.

b. In cities or villages located in counties having a population of more than 500,000, other than cities where there is a board of election commissioners, the aldermanic district or village committeeman or committeewoman for the ward or wards where each polling place is located, if there is one, shall submit a list containing at least as many names as there are needed appointees for inspector positions from the party represented by the committeeman or committeewoman. For appointments of inspectors in cities and villages where there is no aldermanic district or village committeeman or committeewoman, nominations shall proceed in the same manner as in municipalities located in counties having a population of 500,000 or less. The list shall be submitted to the mayor or president. Except as provided in par. (c), only those persons whose names are submitted as provided in this paragraph may act as election officials. The committeeman or committeewoman may designate any individual whose name is submitted as a first choice nominee. The list shall contain the signature of the aldermanic district or village committeeman or committeewoman or the chairperson of the appropriate committee.

c. Upon submission of each nominee's name, the governing body shall appoint each first choice nominee for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other nominees in its discretion. If any nominee is not appointed, the mayor, president, or chairperson of the municipality shall immediately nominate another person from the appropriate lists submitted and continue until the necessary number of election officials from each party is achieved at that meeting.

NOTE: Subdivides long provision.

SECTION 29. 8.05 (1) (j) of the statutes is amended to read:

8.05 (1) (j) 1. The municipal clerk shall notify in writing each candidate whose name is certified as a nominee under par. (h) of his or her nomination. If a municipal judge is elected under s. 755.01 (4), the county clerk of the county having the largest portion of the population in the jurisdiction served by the judge shall make the notification.

2. Upon receipt of the notice, each candidate shall file a declaration of candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the notification no later than 5 p.m. on the 5th day after the notification is mailed or personally delivered to the candidate by the municipal clerk, except as authorized in this paragraph. If an incumbent whose name is certified as a nominee fails to file a declaration of candidacy within the time prescribed by this paragraph, each certified candidate for the office held by the incumbent, other than the incumbent, may file a declaration of candidacy no later than 72 hours after the latest time prescribed in this paragraph. If the candidate has not filed a registration statement under s. 11.05 at the time of the notification, the candidate shall file the statement with the declaration.

3. A candidate for municipal judge shall ~~also, in addition to making the filings required under subd. 2.,~~ file a statement of economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after notification of nomination is mailed or personally delivered to the candidate, or no later than 4:30 p.m. on the next business day after the last day for filing a declaration of candidacy whenever that candidate is granted an extension of time for filing a declaration of candidacy under this paragraph subd. 2.

4. Upon receipt of the declaration of candidacy and registration statement of each qualified candidate, and upon filing of a statement of economic interests by each candidate for municipal judge, the municipal clerk, or the county clerk if the judge is elected under s. 755.01 (4), shall place the name of the candidate on the ballot. No later than the end of the 3rd day following qualification by all candidates, the municipal clerk, or the county clerk if the judge is elected under s. 755.01 (4), shall draw lots to determine the arrangement of candidates' names on the spring election ballot.

NOTE: Subdivides long provision and adds specific reference.

SECTION 30. 8.21 of the statutes is renumbered 8.21 (1) and amended to read:

8.21 (1) Each candidate, except a candidate for presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy, no later than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16 (2) or 8.35 (2) (c). A candidate shall file the declaration with the officer or agency with which nomination papers are filed for the office ~~which~~ that the candidate seeks, or if nomination papers are not required, with the clerk or board of election commissioners of the jurisdiction in which the candidate seeks office.

(2) The declaration of candidacy shall be sworn to before any officer authorized to administer oaths. The declaration shall contain the name of the candidate in the form specified under s. 8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for can-

didates for partisan office, and shall state ~~that~~ all of the following:

(a) ~~That~~ the signer is a candidate for a named office, ~~that he or she~~.

(b) ~~That the signer~~ meets, or will at the time he or she assumes office meet, applicable age, citizenship, residency, or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state, ~~and that he or she~~.

(c) ~~That the signer~~ will otherwise qualify for office if nominated and elected.

(3) The declaration of candidacy shall include the candidate's name in the form in which it will appear on the ballot.

(4) Each candidate for state and local office shall include in the declaration ~~a~~ of candidacy all of the following:

(a) ~~A~~ statement that ~~he or she~~ the candidate has not been convicted of any misdemeanor designated under state or federal law as a violation of the public trust or any felony for which ~~he or she~~ the candidate has not been pardoned. ~~In addition, each candidate for state or local office shall include in the declaration a~~

(b) ~~A~~ statement that discloses ~~his or her~~ the candidate's municipality of residence for voting purposes, and the street and number, if any, on which the candidate resides.

(5) The declaration of candidacy is valid with or without the seal of the officer who administers the oath.

(6) A candidate for state or local office shall file an amended declaration of candidacy under oath with the same officer or agency if any information contained in the declaration of candidacy changes at any time after the original declaration of candidacy is filed and before the candidate assumes office or is defeated for election or nomination.

NOTE: Subdivides long provision and adds specific reference. Inserts specific references.

SECTION 31. 8.30 (1) of the statutes is amended to read:

8.30 (1) Except as otherwise provided in this section, the official or agency with whom declarations of candidacy are required to be filed may refuse to place the candidate's name on the ballot if any of the following apply:

(a) ~~If the~~ The nomination papers are not prepared, signed, and executed, as required under this chapter;

(b) ~~If it~~ It conclusively appears, either on the face of the nomination papers offered for filing, or by admission of the candidate or otherwise, that the candidate is ineligible to be nominated or elected;

(c) ~~If elected the~~ The candidate, if elected, could not qualify for the office sought within the time allowed by law for qualification because of age, residence, or other impediment.

NOTE: Conforms provision to current style.

SECTION 32. 9.01 (1) (a) of the statutes is renumbered 9.01 (1) (a) 1. and amended to read:

9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted upon any referendum question at any election may request petition for a recount. The petitioner shall file a verified petition or petitions with the proper clerk or body under par. (ar) not earlier than the time of completion of the canvass and not later than 5 p.m. on the 3rd business day following the last meeting day of the municipal or county board of canvassers determining the election for that office or on that referendum question or, if more than one board of canvassers makes the determination, not later than 5 p.m. on the 3rd business day following the last meeting day of the last board of canvassers which makes a determination. If the chairperson of the board or chairperson's designee makes the determination for the office or the referendum question, the petitioner shall file the petition not earlier than the last meeting day of the last county board of canvassers to make a statement in the election or referendum and not later than 5 p.m. on the 3rd business day following the day on which the elections board receives the last statement from a county board of canvassers for the election or referendum.

2. Each verified petition under subd. 1. shall state ~~that~~ all of the following:

a. ~~That~~ at the election the petitioner was a candidate for the office in question or that ~~he or she~~ the petitioner voted on the referendum question in issue; ~~that~~.

b. ~~That~~ the petitioner is informed and believes that a mistake or fraud has been committed in a specified ward or municipality in the counting and return of the votes cast for the office or upon the question; or ~~shall specify any other that another specified~~ defect, irregularity, or illegality occurred in the conduct of the election.

3. The petition under subd. 1. shall specify each ward, or each municipality where no wards exist, in which a recount is desired. If a recount is requested for all wards within a jurisdiction, each ward need not be specified.

4. The petition under subd. 1. may be amended to include information discovered as a result of the investigation of the board of canvassers or the chairperson of the board, or chairperson's designee, after the filing of the petition, if the petitioner moves to amend the petition as soon as possible after the petitioner ~~discovered~~ discovers, or reasonably should have discovered, the information ~~which that~~ is the subject of the amendment and if the petitioner was unable to include the information in the original petition.

NOTE: Subdivides long provision and adds specific references for improved readability. Corrects punctuation. Replaces "request" with "petition for" for internal consistency. Replaces "discovered" with "discovers" and "which" with "that" to correct grammar. Reorders text in subd. 2. b. to correct sentence agreement.

SECTION 33. 9.01 (1) (b) 3. of the statutes is amended to read:

9.01 (1) (b) 3. They ~~The board of canvassers~~ shall then examine the container or bag containing the ballots to be certain it has not been tampered with, opened, or opened and resealed. Any irregularities or possible tampering with the container or bag shall be noted.

NOTE: Inserts specific reference.

SECTION 34. 9.01 (1) (b) 4. of the statutes is renumbered 9.01 (1) (b) 4. a. and amended to read:

9.01 (1) (b) 4. a. When the container or bag has been checked, it shall be opened and the contents removed. The board of canvassers shall, without examination other than what is necessary to determine that each is a single ballot, count the number of ballots ~~therein~~ in the container or bag, excluding ballots removed under s. 7.51 (2) (e). ~~Then~~

b. ~~The board of canvassers shall then,~~ for each opened absentee ballot envelope that was laid aside as defective under subd. 2., ~~the board of canvassers shall,~~ without inspection, randomly draw one absentee ballot from the container or bag. In differentiating absentee ballots from other ballots, the board of canvassers shall presume that a ballot initialed only by the municipal clerk, the executive director of the board of election commissioners, or a deputy clerk or secretary is an absentee ballot. If there are more defective absentee ballot envelopes than there are probable absentee ballots, all of the probable absentee ballots shall be removed from the container or bag. Additional ballots shall be removed only if the number of remaining ballots still exceeds the number of voting electors recorded under subd. 1., reduced by the number of defective envelopes set aside under subd. 2. All ballots removed shall not be counted, but shall be marked as to the reason for their removal, set aside and carefully preserved.

c. ~~If, after completing the steps set forth in subd. 4. b.,~~ the number of ballots still exceeds the number of voters, the board of canvassers shall place all ballots face up to check for blank ballots. Any blank ballots shall be so marked, set aside and carefully preserved.

d. ~~If, after completing the steps set forth in subd. 4. c.,~~ the number of ballots still exceeds the number of voters reduced by the number of defective envelopes set aside under subd. 2., the board of canvassers shall place all ballots face down to check the initials. Any ballot not properly initialed by 2 inspectors or any absentee ballot not properly initialed by the municipal clerk, the executive director of the board of election commissioners, or a deputy clerk or secretary shall be temporarily set aside and the board of canvassers shall, without inspection, randomly draw from these ballots as many as are necessary to reduce the number of ballots to equal the number of voters. Any ballots removed for lack of initials shall not be counted but shall be marked, set aside and carefully preserved.

e. ~~If, after completing the steps set forth in subd. 4. d.,~~ the number of ballots still exceeds the number of voters reduced by the number of defective envelopes set aside under subd. 2., the remaining ballots shall be returned to the container or bag and the board of canvassers shall draw a number of ballots equal to the excess number of ballots by chance and without inspection from the container or bag. These ballots shall not be counted but shall be marked as having been removed by the canvassers on recount due to an excess number of ballots, set aside and carefully preserved.

NOTE: Subdivides long provision, reorganizes text, and moves "then" for improved readability and internal consistency within s. 9.01 (1) (b).

SECTION 35. 9.01 (8) of the statutes is amended to read:

9.01 (8) (a) Unless the court finds a ground for setting aside or modifying the determination of the board of canvassers or the chairperson of the board or chairperson's designee, it shall affirm the determination.

(b) The court shall separately treat disputed issues of procedure, interpretations of law, and findings of fact.

(c) The court may not receive evidence not offered to the board of canvassers or the chairperson or chairperson's designee except for evidence that was unavailable to a party exercising due diligence at the time of the recount or newly discovered evidence that could not with due diligence have been obtained during the recount, and except that the court may receive evidence not offered at an earlier time because a party was not represented by counsel in all or part of a recount proceeding. A party who fails to object or fails to offer evidence of a defect or irregularity during the recount waives the right to object or offer evidence before the court except in the case of evidence that was unavailable to a party exercising due diligence at the time of the recount or newly discovered evidence that could not with due diligence have been obtained during the recount or evidence received by the court due to unavailability of counsel during the recount.

(d) The court shall set aside or modify the determination of the board of canvassers or the chairperson of the board or chairperson's designee if it finds that the board of canvassers or the chairperson or chairperson's designee has erroneously interpreted a provision of law and a correct interpretation compels a particular action. If the determination depends on any fact found by the board of canvassers or the chairperson or chairperson's designee, the court may not substitute its judgment for that of the board of canvassers or the chairperson or designee as to the weight of the evidence on any disputed finding of fact. The court shall set aside the determination if it finds that the determination depends on any finding of fact that is not supported by substantial evidence.

NOTE: Subdivides long provision and inserts specific reference.

SECTION 36. 10.51 (intro.) (except 10.51 (title)) of the statutes is renumbered 10.51 (1g).

NOTE: Section 10.51 (intro.) is not introductory to the subsections in s. 10.51, but contains discrete and separate subject matter, and is renumbered accordingly. See also the next section of this bill.

SECTION 37. 10.51 (1) of the statutes is renumbered 10.51 (1r) and amended to read:

10.51 (1r) All the listings contained in this subchapter relate to other provisions of the statutes which that are referred to in each paragraph of these listings.

NOTE: Accommodates the renumbering of s. 10.51 (intro.) by the previous section of this bill.

SECTION 38. 10.53 (intro.) (except 10.53 (title)) of the statutes is renumbered 10.53 (1g) and amended to read:

10.53 (1g) In preparing each edition of the statutes for publication the revisor shall, if the revisor finds that a conflict exists between the listings in ss. 10.62 to 10.82 and the substantive statutes to which ~~such~~ those sections refer, correct the listing in this subchapter to properly reflect the intent of ~~said~~ the substantive statute or of the act of the legislature on which the substantive statute is based.

NOTE: Section 10.53 (intro.) is not introductory to the subsections in s. 10.53, but contains discrete and separate subject matter, and is renumbered accordingly. See also the next section of this bill. Replaces disfavored terms.

SECTION 39. 10.53 (1) of the statutes is renumbered 10.53 (1r) and amended to read:

10.53 (1r) For any correction made by the revisor under the authority of this section, the revisor shall prepare a note explaining the correction ~~and such note that~~ shall be printed with the affected listing in this subchapter.

NOTE: Accommodates the renumbering of s. 10.53 (intro.) by the previous section of this bill. Replaces disfavored term.

SECTION 40. 10.62 (intro.) of the statutes is amended to read:

10.62 Elections board; spring primary and election. (intro.) The following subsections set forth, in chronological order, dates relating to the spring primary and election or occurrences during the spring period which that affect the elections board-;

NOTE: Corrects punctuation.

SECTION 41. 10.64 (intro.) of the statutes is amended to read:

10.64 County clerk; spring primary and election. (intro.) The following subsections set forth, in chronological order, dates relating to the spring primary and election or occurrences during the spring period which that affect the county clerk-;

NOTE: Corrects punctuation.

SECTION 42. 10.66 (intro.) of the statutes is amended to read:

10.66 Municipal clerk and governing body; spring primary and election. (intro.) The following subsections set forth, in chronological order, dates relating to the spring primary and election occurrences during

the spring primary which that affect the municipal clerk and governing body-;

NOTE: Corrects punctuation.

SECTION 43. 10.68 (intro.) of the statutes is amended to read:

10.68 Candidates; spring primary and election. (intro.) The following subsections set forth, in chronological order, dates relating to the spring primary and election or occurrences during the spring period which that affect the candidates-;

NOTE: Corrects punctuation.

SECTION 44. 10.70 (intro.) of the statutes is amended to read:

10.70 Public and general provisions; spring primary and election. (intro.) The following subsections set forth, in chronological order, dates relating to the spring primary and election or occurrences during the spring period which that affect the public-;

NOTE: Corrects punctuation.

SECTION 45. 10.72 (intro.) of the statutes is amended to read:

10.72 Elections board; September primary and general election. (intro.) The following subsections set forth, in chronological order, dates relating to the September primary and general election or occurrences during the fall period which that affect the elections board-;

NOTE: Corrects punctuation.

SECTION 46. 10.74 (intro.) of the statutes is amended to read:

10.74 County clerk; September primary and general election. (intro.) The following subsections set forth, in chronological order, dates relating to the September primary and general election or occurrences during the fall period which that affect the county clerk-;

NOTE: Corrects punctuation.

SECTION 47. 10.76 (intro.) of the statutes is amended to read:

10.76 Municipal clerk and governing body; September primary and general election. (intro.) The following subsections set forth, in chronological order, dates relating to the September primary and general election or occurrences during the fall period which that affect the municipal clerk and governing body-;

NOTE: Corrects punctuation.

SECTION 48. 10.78 (intro.) of the statutes is amended to read:

10.78 Candidates; September primary and general election. (intro.) The following subsections set forth, in chronological order, dates relating to the September primary and general election or occurrences during the fall period which that affect the candidates-;

NOTE: Corrects punctuation.

SECTION 49. 10.80 (intro.) of the statutes is amended to read:

10.80 Public and general provisions; September primary and general election. (intro.) The following subsections set forth, in chronological order, dates relat-

ing to the September primary and general election or occurrences during the fall period which that affect the public-;

NOTE: Corrects punctuation.

SECTION 50. 13.482 (2) (a) of the statutes is amended to read:

13.482 (2) (a) For the purpose of providing housing for state departments and agencies, including housing for state offices and the completion of the state office building, and to enable the construction, financing and ultimate acquisition thereof by the state, the building commission may acquire any necessary lands, and lease and re-lease any lands owned by the state and available for the purpose to the Wisconsin State Public Building Corporation or other nonstock corporation organized under ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17). The lease and re-lease shall be for a term or terms not exceeding 50 years each and shall be made on the condition that such corporation shall construct and provide on such leased lands such building projects, including buildings, improvements, facilities or equipment or other capital items, as the building commission requires, and shall re-lease the same to the building commission upon satisfactory terms as to the rental, maintenance and ultimate acquisition by the state as is in its best interests in the judgment of the building commission. After such leases and re-leases are executed and until the projects are acquired by the state, they shall be operated by the building commission through the department of administration, which shall have charge of such property as provided in ~~s. ss. 16.85 and 16.8511~~. The building commission shall operate the projects in such manner as to provide revenues therefrom sufficient to pay the costs of operation and maintenance of the project and to provide for the payments due the Wisconsin State Public Building Corporation or other nonstock, nonprofit corporation but if the building commission finds and declares that the housing available in any such project is in excess of the current housing needs or requirements of the state departments and agencies occupying or availing themselves of the space in or capacity of such project, the building commission need not operate such project in a manner to provide revenues therefrom sufficient to pay the costs of operation and maintenance of the project and to provide for the rental payments due the Wisconsin State Public Building Corporation or other nonstock, nonprofit corporation.

NOTE: Section 16.85 (8) and (11) are renumbered 16.8511 (1) and (2) by this bill.

SECTION 51. 13.55 (1) (a) of the statutes is renumbered 13.55 (1) (a) 1. (intro.) and amended to read:

13.55 (1) (a) 1. (intro.) There is created a 9-member commission on uniform state laws to advise the legislature with regard to uniform laws and model laws. Except as provided under par. (b), the commission shall consist of the all of the following:

a. The director of the legislative council staff or a professional employee of the legislative council staff designated by the director; ~~the~~

b. The chief of the legislative reference bureau or a professional employee under s. 13.92 (1) (b) designated by the chief; ~~the~~

c. The revisor of statutes; ~~2~~

d. Two senators and 2 representatives to the assembly from the 2 major political parties appointed as are members of standing committees for 2-year terms; ~~and 2~~

e. Two public members appointed by the governor for 4-year terms.

2. The terms of members appointed by the governor or by the legislature shall expire on May 1 of an odd-numbered year. The members, other than the appointees of the governor or of the legislature, may each designate an employee to represent them at any meeting of the conference under sub. (3).

NOTE: Subdivides provision by placing list in tabular form.

SECTION 52. 13.93 (2) (j) of the statutes is amended to read:

13.93 (2) (j) In cooperation with the law revision committee, systematically examine and identify for revision by the legislature the statutes and session laws to eliminate defects, anachronisms, conflicts, ambiguities, and unconstitutional or obsolete provisions. ~~The revisor shall complete the initial examination of the statutes within 10 years after July 1, 1980.~~ The revisor shall prepare and, at each session of the legislature, present to the law revision committee bills that eliminate such identified defects, anachronisms, conflicts, ambiguities, and unconstitutional or obsolete provisions. These bills may include minor substantive changes in the statutes and session laws necessary to accomplish such the purposes of this paragraph. The revisor may resubmit to the law revision committee in subsequent sessions of the legislature any bill prepared under this paragraph ~~which that~~ was not enacted.

NOTE: Deletes obsolete direction. Inserts specific references. Corrects punctuation.

SECTION 53. 15.06 (2) (intro.) and (a) of the statutes are consolidated, renumbered 15.06 (2) and amended to read:

15.06 (2) SELECTION OF OFFICERS. Each commission may annually elect officers other than a chairperson from among its members as its work requires. Any officer may be reappointed or reelected. At the time of making new nominations to commissions, the governor shall designate a member or nominee of each commission to serve as the commission's chairperson for a 2-year term expiring on March 1 of the odd-numbered year except that: ~~(a) Commencing March 1, 1979, and thereafter, the labor and industry review commission shall elect one of its members to serve as the commission's chairperson for a~~

2-year term expiring on March 1 of the odd-numbered year.

NOTE: There are no other paragraphs in s. 15.06 (2). Eliminates an obsolete transition provision.

SECTION 54. 15.135 (4) (b) (intro.) of the statutes is amended to read:

15.135 (4) (b) *Members.* (intro.) The board consists of all of the following members:

NOTE: Conforms form of introductory provision to current style.

SECTION 55. 15.135 (4) (b) 1. of the statutes is amended to read:

15.135 (4) (b) 1. The secretaries of administration, of natural resources, and of agriculture, trade and consumer protection or their designees;

NOTE: Corrects punctuation.

SECTION 56. 15.135 (4) (b) 2. of the statutes is amended to read:

15.135 (4) (b) 2. Three members of county land conservation committees designated biennially by the county land conservation committees at their annual meeting in even-numbered years, appointed for 2-year terms; and

NOTE: Corrects punctuation.

SECTION 57. 15.435 (1) (a) 1. of the statutes is amended to read:

15.435 (1) (a) 1. The secretary of commerce and the secretary of revenue or their designees;

NOTE: Corrects punctuation.

SECTION 58. 15.435 (1) (a) 2. of the statutes is amended to read:

15.435 (1) (a) 2. Three public members;

NOTE: Corrects punctuation.

SECTION 59. 15.435 (1) (a) 3. of the statutes is amended to read:

15.435 (1) (a) 3. Five local officials consisting of 2 municipal officials, 2 county officials, and one school board member; and

NOTE: Corrects punctuation.

SECTION 60. 16.42 (1) (a) of the statutes is amended to read:

16.42 (1) (a) A clear statement of the purpose or goal for each program or subprogram;

NOTE: Corrects punctuation.

SECTION 61. 16.42 (1) (b) of the statutes is amended to read:

16.42 (1) (b) Clear statements of specific objectives to be accomplished and, as appropriate, the performance measures used by the agency to assess progress toward achievement of these objectives;

NOTE: Corrects punctuation.

SECTION 62. 16.42 (1) (c) of the statutes is amended to read:

16.42 (1) (c) Proposed plans to implement the objectives and the estimated resources needed to carry out the proposed plans;

NOTE: Corrects punctuation.

SECTION 63. 16.42 (1) (d) of the statutes is amended to read:

16.42 (1) (d) A statement of legislation required to implement proposed programmatic and financial plans; and

NOTE: Corrects punctuation.

SECTION 64. 16.50 (3) of the statutes is renumbered 16.50 (3) (a) and amended to read:

16.50 (3) (a) No department, except the legislature or the courts, may increase the pay of any employee, expend money, or incur any obligation except in accordance with the estimate that is submitted to the secretary as provided in sub. (1) and approved by the secretary or the governor.

(b) No change in the number of full-time equivalent positions authorized through the biennial budget process or other legislative act may be made without the approval of the joint committee on finance, except for position changes made by the governor under s. 16.505 (1) (c) or (2), by the University of Wisconsin Hospitals and Clinics Board under s. 16.505 (2n), or by the board of regents of the University of Wisconsin System under s. 16.505 (2m) or (2p).

(c) The secretary may withhold, in total or in part, the funding for any position, as defined in s. 230.03 (11), as well as the funding for part-time or limited term employees until such time as the secretary determines that the filling of the position or the expending of funds is consistent with s. 16.505 and with the intent of the legislature as established by law or in budget determinations, or the intent of the joint committee on finance in creating or abolishing positions under s. 13.10, the intent of the governor in creating or abolishing positions under s. 16.505 (1) (c) or (2), or the intent of the board of regents of the University of Wisconsin System in creating or abolishing positions under s. 16.505 (2m) or (2p). Until the release of funding occurs, recruitment or certification for the position may not be undertaken.

(d) The secretary shall submit a quarterly report to the joint committee on finance of any position changes made by the governor under s. 16.505 (1) (c).

(e) No pay increase may be approved unless it is at the rate or within the pay ranges prescribed in the compensation plan or as provided in a collective bargaining agreement under subch. V of ch. 111.

(f) At the request of the director of the office of state employment relations, the secretary of administration may authorize the temporary creation of pool or surplus positions under any source of funds if the director determines that temporary positions are necessary to maintain adequate staffing levels for high turnover classifications, in anticipation of attrition, to fill positions for which recruitment is difficult. Surplus or pool positions authorized by the secretary shall be reported quarterly to the

joint committee on finance in conjunction with the report required under s. 16.54 (8).

NOTE: Subdivides long provision to improve readability.

SECTION 65. 16.513 (3) of the statutes is renumbered 16.513 (3) (a) and amended to read:

16.513 (3) (a) If there are insufficient moneys, assets, or accounts receivable, as determined under s. 20.903 (2), that are projected by an agency or projected by the department under s. 16.40 (7) to cover anticipated expenditures under a program revenue appropriation or appropriation of segregated revenues from program receipts, the agency shall propose and submit to the department a plan to assure that there are sufficient moneys, assets, or accounts receivable to meet projected expenditures under the appropriation.

(b) The department may approve, disapprove, or approve with modifications each plan submitted by an agency under par. (a). If the department approves a plan, or approves a plan with modifications, the department shall forward the plan to the joint committee on finance. If the cochairpersons of the joint committee on finance do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed plan within 14 working days after the date of the secretary's submittal, any portion of the plan ~~which that~~ does not require the action of the legislature or the action of the committee under another law may be implemented. If, within 14 working days after the date of the secretary's submittal, the cochairpersons of the joint committee on finance notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed plan, no part of the plan may be implemented without the approval of the committee in accordance with applicable law, or without the approval of the legislature if legislative approval is required.

NOTE: Subdivides long provision to improve readability.

Inserts specific references.

SECTION 66. 16.517 of the statutes is renumbered 16.517 (1) and amended to read:

16.517 (1) No later than 30 days after the effective date of each biennial budget act, the department shall provide to the joint committee on finance a report indicating any initial modifications that are necessary to the appropriation levels established under that act for program revenue and program revenue-service appropriations as defined in s. 20.001 (2) (b) and (c) or to the number of full-time equivalent positions funded from program revenue and program revenue-service appropriations authorized by that act to account for any additional funding or positions authorized under s. 16.505 (2) or (2m) or 16.515 in the fiscal year immediately preceding the fiscal biennium of the budget that have not been included in authorizations under the biennial budget act but ~~which that~~ should be included as continued budget authorizations in the fiscal biennium of the budget. ~~Such modifications~~

(2) Modifications under sub. (1) shall be limited to adjustment of the appropriation or position levels to the extent required to account for higher base levels for the fiscal year immediately preceding the fiscal biennium of the budget due to appropriation or position increases authorized under s. 16.505 (2) or (2m) or 16.515 during the fiscal year immediately preceding the fiscal biennium of the budget.

(3) If the cochairpersons of the joint committee on finance do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed modifications under sub. (1) within 14 working days after the date of receipt of the department's report, the department may make the modifications specified in the report. If, within 14 working days after the date of the department's report, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed modifications, the department may not make the modifications specified in the report until the committee approves the report.

NOTE: Subdivides long provision and inserts cross-references for improved readability.

SECTION 67. 16.85 (8) and (11) of the statutes are renumbered 16.8511 (1) and (2).

NOTE: Section 16.85 (8) and (11) are stylistically different from the other subsections in s. 16.85 and cannot be amended to grammatically fit within the structure of 16.85 (intro.) and the remaining subsections. Renumbering 16.85 (8) and (11) eliminates the grammatical and stylistic conflicts.

SECTION 68. 16.85 (15) of the statutes is amended to read:

16.85 (15) ~~Provide~~ To provide or contract for the provision of professional engineering, architectural, project management and other building construction services on behalf of school districts for the installation or maintenance of electrical and computer network wiring. The department shall assess fees for services provided under this subsection and shall credit all revenues received to the appropriation account under s. 20.505 (1) (im).

NOTE: Conforms the form of this provision with that of the other subsections under s. 16.85.

SECTION 69. 16.8511 (title) of the statutes is created to read:

16.8511 (title) Secretary of administration; powers, duties.

NOTE: See the previous section of this bill.

SECTION 70. 16.854 (3) of the statutes is amended to read:

16.854 (3) It shall be a goal of the department, with regard to each of the contracts described under sub. (2) (a), (b) and (c), to award at least 25% of the dollar value of such contracts to minority businesses and at least 5% of the dollar value of such contracts to women's businesses. Sections 16.85, 16.8511, 16.855, and 16.87 do not apply to services provided or contracted by the department under this section.

NOTE: Section 16.85 (8) and (11) are renumbered 16.8511 (1) and (2) by this bill.

SECTION 71. 21.75 (9) of the statutes is amended to read:

21.75 (9) STATUTES OF LIMITATIONS. The period of active state service may not be included in computing any period for the bringing of any action or proceeding in any court or before any public agency, as defined in s. 36.54 (2) (a) 2., by or against a person in active state service or by or against his or her heirs, ~~executors, administrators~~ personal representatives, or assigns, whether the cause of action or proceeding or the right to bring the action or proceeding accrued before or during the period of active state service.

NOTE: Replaces "executors" and "administrators" consistent with 2001 Wis. Act 102.

SECTION 72. 23.25 (1) of the statutes is amended to read:

23.25 (1) The department shall do all of the following:

(a) Determine the correct and most appropriate names of the lakes, streams, places, and other geographic features in the state, and the spelling thereof; of those names.

(b) Pass upon and give names to lakes, streams, places, and other geographic features in the state for which no single generally accepted name has been in use;

(c) In cooperation with county boards and with their approval, change the names of lakes, streams, places, and other geographic features ~~with the end in view of eliminating in order to eliminate~~, as far as possible, duplication of names within the state;

(d) Prepare and publish an official state dictionary of geographic names and publish the ~~same dictionary~~, either as a completed whole, or in parts, when ready;

(e) Serve as the state representative of the U.S. geographic board and cooperate with the said U.S. geographic board ~~to the end so~~ that there shall be no conflict between the state and federal designations of geographic features in the state.

NOTE: Corrects punctuation and replaces disfavored terminology for improved readability and conformity with current style.

SECTION 73. 24.05 of the statutes is amended to read:

24.05 Survey of lands. Whenever it ~~shall appear~~ appears necessary to the board ~~necessary~~ that surveys should be made in order to ascertain the true boundaries of any tract or portion of the public lands, or to enable it the board to describe and dispose of ~~the same any tract or portion of the public lands~~ in suitable and convenient lots, ~~it the board~~ may cause all ~~such~~ necessary surveys to be made.

NOTE: Conforms verb to current style and inserts specific references.

SECTION 74. 24.06 of the statutes is amended to read:

24.06 Plat of lands. The board may subdivide any parcel of public lands into smaller parcels or village lots, with streets and alleys if necessary, whenever it believes a larger net price can be obtained by selling the land in such smaller parcels or lots. A survey and plat of ~~such the~~ subdivision, verified by its maker as true and correct, shall be returned and recorded in the office of the board, and the parcels or lots designated ~~thereon~~ on the survey and plat shall be appraised before ~~they the parcels or lots~~ are offered for sale. ~~Such The~~ subdivision shall be ordered, the proceedings ~~therefor for the subdivision~~ governed, and ~~such the~~ appraisal made in substantial ~~accord~~ compliance with s. 24.08.

NOTE: Replaces disfavored terms and inserts specific references.

SECTION 75. 24.09 (1) (b) of the statutes is amended to read:

24.09 (1) (b) Lands required for federal, state, county, city, village, town, or school district use may be sold at the appraised value to, or exchanged for land of approximately equivalent value with, the federal government, other state departments, boards or commissions, counties, cities, villages, towns, or school districts.

NOTE: Inserts commas for improved readability.

SECTION 76. 24.11 (2) of the statutes is amended to read:

24.11 (2) PURCHASER TO PAY TAXES. The board shall insert in every contract or certificate of sale of public land a clause providing that the vendee, and the vendee's heirs, ~~administrators~~ personal representatives, or assigns shall pay or cause to be paid all taxes that are or that may be assessed against the land from ~~and after~~ the date of the said contract or certificate of sale.

NOTE: Replaces "administrators" in accordance with 2001 Wis. Act 102. Deletes "and after" as redundant.

SECTION 77. 24.11 (4) of the statutes is amended to read:

24.11 (4) SPECIAL TERMS FOR ESCHEATED LANDS. Upon the sale of any escheated lands the entire purchase price shall be paid at the time of the sale; ~~whereupon the~~. The board shall then execute and deliver to the purchaser a quitclaim deed of conveyance ~~which shall vest that vests~~ in the grantee all the right, title, and interest of the state in or to the land, and every right of action ~~which that~~ the state has respecting the ~~same; but no land~~. No covenant or warranty of title, or of continued enjoyment, or against encumbrances, shall be expressed in or implied from ~~such the quitclaim~~ deed or any words ~~therein in the quitclaim deed~~. If by virtue of a better title ~~a recovery of such land be had by~~, any other person or party recovers the land within 20 years after ~~such a purchase under this subsection~~, the state shall refund to the purchaser, or to the purchaser's assigns or legal representatives, the amount paid by the purchaser for the land, together with interest ~~thereon on the amount paid by the purchaser~~ at

the rate of 6% per year from the date of the purchase until the date of recovery, and also the amount of all taxes on the land actually paid by the purchaser with like interest on each payment from the time of payment to the date of the recovery.

NOTE: Divides long sentence, replaces the passive voice with the active, and inserts specific references for improved readability and conformity with current style.

SECTION 78. 24.12 of the statutes is amended to read:

24.12 Forfeit for failure to pay. Every purchaser of any lot or tract at any sale ~~as aforesaid under s. 24.11~~ shall pay the amount of the purchase money required by the terms of sale to be paid ~~in hand immediately after having bid off the same; and if as provided in s. 24.11 (1). If the purchaser shall refuse or neglect~~ refuses or neglects to so pay, the lot or tract so bid off by the purchaser shall again be offered for sale; ~~and the~~. The purchaser shall, for such ~~refusal or neglect~~ refusing or neglecting to pay, forfeit \$25 for each lot or tract so bid off by the purchaser, which the board shall, in the name of the state, cause to be immediately sued for and collected, and, when collected, paid into the school fund.

NOTE: Divides long sentence, inserts specific references, and replaces the passive voice with the active.

SECTION 79. 24.14 of the statutes is renumbered 24.14 (1) and amended to read:

24.14 (1) ~~Any person who has purchased from the United States or entered any of the~~ In this section, "subject lands" means lands patented to this state as swamp and overflowed lands, or lands patented in lieu of such swamp and overflowed lands.

(2) ~~Any person who has purchased from the United States or entered any subject lands~~ prior to the execution of such Unites States patents to this state for the subject lands, may whenever such those entries have been canceled by the United States on account of a conflict with the right and title of this state to such the subject lands, purchase the subject lands from this state, prior to the date fixed for the public sale thereof, such lands so purchased or entered from the United States of the subject lands, upon making satisfactory proof to the board that such the person is the identical person, or the heir, legal representative, or assign of the person, who purchased or entered such the subject lands as aforesaid provided in this subsection, and upon paying to this state for such the subject lands the same price at which such the purchase or entries were made from the United States; ~~but nothing. Nothing~~ contained in this chapter ~~shall impair~~ impairs the rights acquired by any person who has preempted any such subject lands under the laws of this state.

NOTE: Subdivides section, inserts definition, replaces disfavored terms, and deletes unnecessary verbiage.

SECTION 80. 24.145 of the statutes is renumbered 24.145 (1) and amended to read:

24.145 (1) It is declared that none of the swamp and overflowed lands heretofore granted to this state pursuant to an act of congress entitled "An Act to enable the

state of Arkansas and other states to reclaim the swamp lands within their limits", approved September 28, 1850, and the proceeds derived from the sale ~~thereof, of those lands which that~~ have not heretofore been actually applied for reclamation of such those lands, are necessary for the purpose of reclaiming any such swamp and overflowed lands by construction of levees and drains or otherwise.

(2) All such swamp and overflowed lands described in sub. (1) and the proceeds derived from the sale ~~thereof of those lands~~ including those placed and being in the drainage fund pursuant to chapter 537, laws of 1865, which ~~that~~ have not been actually applied for the purpose of reclaiming such those lands, shall be ~~and they are made~~ a part of the normal school fund. This section ~~shall be~~ controlling controls over any inconsistent act or statute.

NOTE: Subdivides section, replaces disfavored terms, and deletes unnecessary verbiage.

SECTION 81. 24.15 of the statutes is amended to read:

24.15 Private sale. All public lands, including forfeited lands and mortgaged lands bid in by the state, which ~~shall~~ have once been offered or reoffered at public sale and remain unsold, shall be subject to private sale at the minimum price fixed ~~therefor~~ for the sale of the land by law to the person first making application ~~therefor~~ for the purchase of the lands, if the person ~~forthwith~~ immediately complies with the term of sale; ~~but if. If~~ 2 or more persons ~~shall~~ apply at the same time to purchase ~~any of~~ such the same lands under this section, the same lands shall be offered to the highest bidder, and the applicant who will pay the highest price shall be the purchaser.

NOTE: Replaces disfavored terminology with specific references.

SECTION 82. 24.16 of the statutes is renumbered 24.16 (intro.) and amended to read:

24.16 Applications for private sale. (intro.) Every person making application under s. 24.15 for the purchase at private sale of any such public lands shall file in the office of the board an application in writing, describing the lot or tract ~~which that~~ the person proposes to purchase by the proper number of the section, township and range, and the subdivision of the section, with the person's name subscribed ~~thereto to the application~~. The board shall, if the land applied for may then be sold, ~~enter~~ do all of the following:

(1) Enter on books kept for that purpose a note of such the application, specifying the day when made, the name of the applicant, and the description of the land applied for, ~~and shall also give.~~

(2) Give to such the applicant a memorandum signed by the executive secretary of the board, stating such the application ~~and~~, describing the lot or tract applied for, and stating the price at which the same lot or tract may be sold and the amount to be paid at the time of the sale, ~~which memorandum shall be signed by the executive secretary of the board.~~

NOTE: Subdivides provision, reorders text, and replaces disfavored terminology with specific references.

SECTION 83. 24.17 (1) of the statutes is amended to read:

24.17 (1) When the purchaser of any such public lands shall make payment to the secretary of administration of the amount required to be paid on such the sale; and, in case of a private sale, shall also produce produces the memorandum mentioned described in s. 24.16, the secretary of administration shall give a receipt therefor to such the purchaser for the amount paid, and, unless such the sale be made is wholly for cash, the board shall execute and deliver to such person the purchaser a duplicate certificate of sale, in which it the board shall certify all of the following:

- (a) The description of the land sold;
- (b) The sum paid and the amount remaining due thereon;
- (c) The times, place, and terms of payments;
- (d) That if such the payments shall be duly are made in accordance with the terms stated in the certificate of sale, the purchaser, or the purchaser's assigns or other legal representatives, shall be entitled to a patent for such the land;

(e) And that That in case of the nonpayment into the state treasury of any of the following, the certificate of sale from the time of the nonpayment shall be void and the board may take possession of and resell the land described in the certificate:

1. The purchase money as it shall become becomes due, or of the,

2. The interest thereon on the purchase money by the first day of February in each year or on or before the next following June 30th thereafter, or of any,

3. Any taxes lawfully assessed thereon on the lands described in the certificate and then remaining unpaid by the purchaser or purchasers or by any person claiming under the purchaser or purchasers, then that the said certificate from the time of such failure shall be utterly void and of no effect, and that the board may take possession of the land described in such certificate and resell the same.

NOTE: Conforms punctuation to current style, deletes unnecessary verbiage, inserts preferred verb form, inserts specific reference, places a list in outline form, and reorders text for more logical placement.

SECTION 84. 24.17 (2) of the statutes is amended to read:

24.17 (2) When the sale of public lands under sub. (1) is wholly for cash, upon payment as above provided of the full purchase price to the secretary of administration, the secretary of administration shall thereupon immediately give to such the purchaser a receipt stating the amount paid and, giving a description of the lot or tract of land sold, and stating that such the purchaser is entitled to receive a patent according to law.

NOTE: Inserts specific reference, corrects punctuation, and deletes unnecessary verbiage.

SECTION 85. 24.18 of the statutes is amended to read:

24.18 Entry of sale and patent. When any sale of public lands is made, the board shall make a note thereof of the sale in the book of entries, and shall enter therein, entering the day of sale, the name of the purchaser, the number of the certificate or patent, the sum paid, the amount of purchase money unpaid, if any, and a description of the lot or tract sold. If such the sale be made is wholly for cash it, the board shall thereupon immediately execute and deliver to the purchaser a patent for such the lot or tract of land so sold. If the land is sold at public auction it, the board shall note that fact.

NOTE: Inserts specific reference, corrects punctuation, and replaces disfavored terminology.

SECTION 86. 24.19 of the statutes is amended to read:

24.19 Certificate of sale. All original and duplicate certificates of sale issued under s. 24.17 shall be properly numbered, and the original shall be filed in the office of the board, and as. As many distinct lots or tracts of land hereafter purchased by one person in one section at the same time as that person shall request requests shall be included in one certificate or one patent, as the case may be. All certificates Certificates of sale may be acknowledged and recorded in the same manner that as deeds may be. They. Certificates of sale may also be assigned in writing, which. The assignment may be acknowledged and recorded in like the same manner as deeds, and the person to whom the same shall be legally assigned assignee shall have the same rights and remedies thereupon under the certificate as the original purchaser would have had.

NOTE: Inserts specific reference, corrects punctuation, and deletes unnecessary verbiage.

SECTION 87. 24.20 of the statutes is amended to read:

24.20 Payments and accounts. All money paid on account of sales of public lands shall be paid to the secretary of administration who shall credit the proper fund therewith with the amount paid, crediting the general fund with the proceeds of sales of Marathon County lands, and the. The secretary of administration or the secretary's designee, upon countersigning the receipt given therefor for the amount paid, shall enter the name of the person paying the same making the payment, the number of the certificate, if any, upon which the amount shall be paid, and the time of the payment.

NOTE: Divides long sentence, inserts specific references, corrects punctuation, and deletes unnecessary verbiage.

SECTION 88. 24.21 of the statutes is amended to read:

24.21 Accounts with purchasers. The board shall open and keep an account with each purchaser for every lot or tract of land that shall be is sold, either at public or private sale, in books kept for that purpose, in which it the board shall charge the purchaser with the whole purchase money and give the purchaser credit for all the purchas-

er's payments, making proper charges for interest as the same shall become it becomes due, and for all taxes returned to it as unpaid by the proper officer; ~~and upon~~. Upon all payments being completed and the patent issued the account shall be balanced.

NOTE: Divides long sentence and inserts specific references.

SECTION 89. 24.22 of the statutes is renumbered 24.22 (1) and amended to read:

24.22 (1) Whenever full payment of the principal due upon any certificate of sale by the state ~~shall be~~ is made subsequent to the payment of the annual interest ~~thereon~~ on the principal, the excess of the interest so paid shall be refunded to the person entitled ~~thereto~~ to the excess payment, from the proper fund, on the warrant of the department of administration; ~~and in case~~.

(2) In the event of the double or erroneous payment of interest, charges, or taxes on any certificate of sale or loan by the state, the amount so erroneously paid shall be ~~in like manner refunded in the same manner as excess interest payments under sub. (1).~~

NOTE: Divides long sentence, and inserts specific references.

SECTION 90. 24.23 of the statutes is amended to read:

24.23 Title; patents. The title and fee of all public lands shall remain in the state until patents ~~shall issue for the same; and no such~~ for the land are issued. No patent shall issue ~~be issued~~ except upon full payment of the purchase money and interest and all taxes returned and lawful charges ~~thereon~~ on the lands being purchased.

NOTE: Divides long sentence and inserts specific references.

SECTION 91. 24.24 of the statutes is amended to read:

24.24 Effect of certificate. (1) The ~~Except when voided by forfeiture under s. 24.28, a~~ certificate of sale, issued pursuant to under s. 24.17, ~~until the same becomes void by forfeiture under s. 24.28, shall entitle~~ entitles the purchaser, or the purchaser's heirs or assigns, to all the rents, benefits, and provisions of any lease existing ~~thereon~~ on the lands described in the certificate at the time of such the land purchase and thereafter accruing, ~~and shall be after the purchase~~. The certificate of sale is sufficient evidence of title, and ~~shall vest vests~~ in the purchaser, or the purchaser's heirs and assigns, the same rights of possession, enjoyment, descent, transmission, and alienation of the lands ~~therein~~ described in the certificate and the same remedies for the protection of ~~said those~~ rights, ~~as against all persons, except the state, that the purchaser would possess if the purchaser were the owner thereof in fee of the described lands.~~

(2) ~~No such~~ Notwithstanding sub. (1), a certificate ~~shall of sale does not~~ confer the right to cut down, destroy ~~or~~, dig up, or carry off any standing wood or timber, or any mineral; located on the lands described in the certificate without the written consent of ~~said the~~ board, except that ~~such wood~~ as follows:

(a) Wood or timber may be cut when ~~to be used, and it shall is~~ to be exclusively used, in the erection of fences or buildings on ~~such the described lands, or~~.

(b) Wood or timber may be cut for necessary firewood for the household use of the persons actually occupying ~~the same, or the described lands~~.

(c) Wood or timber may be cut when done in good faith for the actual and fair improvement of ~~such land the described lands~~ for cultivation.

(3) ~~But Notwithstanding sub. (2) (c), no such cutting of wood or timber shall be deemed to have been done for the purposes of cultivation unless the entire surface from which such the wood and timber is cut shall have been was at the time further prepared therefor for cultivation by thoroughly clearing it of all brush and growing wood of every kind thereon, except that shade or ornamental trees on not more than 10 adjoining acres selected for building purposes, and trees valuable for saw or rail timber, not to exceed 20 upon each acre, may be left standing.~~ Any

(4) Except as provided in subs. (2) and (3), any wood, timber, or mineral ~~otherwise cut, dug out, or removed from any such land described in a certificate of sale shall be and~~ remain the property of the state.

NOTE: Subdivides provision, reorganizes text, deletes excess verbiage, and inserts specific references.

SECTION 92. 24.25 (title) of the statutes is amended to read:

24.25 (title) Patent Issuance and record thereof of patent.

NOTE: Conforms title to current style.

SECTION 93. 24.25 of the statutes is renumbered 24.25 (1) and amended to read:

24.25 (1) Whenever full payment ~~shall have been is~~ made for any such lands described in a certificate of sale issued under s. 24.17, as required by law, and the purchaser, or the purchaser's legal representatives ~~shall produce, produces~~ to the board the duplicate certificate of sale, with the receipt of the secretary of administration endorsed ~~thereon~~ on the duplicate certificate, showing that the whole amount of the principal and interest due ~~thereon on the purchase of the land described in the certificate~~ has been paid and that the holder of ~~such the duplicate~~ certificate is entitled to a patent for the lands described ~~therein in the certificate~~, the original and duplicate certificates shall be canceled, and the board shall ~~thereupon immediately~~ execute and deliver a patent to the person entitled ~~thereto to the patent~~ for the land described in ~~such the~~ certificate.

(2) All patents issued by the board shall be recorded in ~~its the board's office; and the~~. The board's record of patents heretofore issued by it is ~~hereby declared~~ constitutes a legal record.

(3) Purchasers may, at any time before payment is due, pay any part or the whole of ~~such the~~ purchase

money for the land and the interest thereon. ~~In all cases where patents have been or may hereafter be owing on the purchase money.~~

(4) ~~If a patent is issued to a person who may have died or who shall die dies before the date thereof of the patent, the title to the land described therein shall inure inures to and become vested vests in the decedent's heirs, devisees, or assignees of such person to the same extent as if the patent had issued to that person the decedent during that person's the decedent's lifetime.~~

NOTE: Subdivides provision, reorganizes text, replaces the passive voice with the active, deletes excess verbiage, and inserts specific references.

SECTION 94. 24.251 of the statutes is amended to read:

24.251 Patents, issuance; county may record. Whenever it ~~shall appear~~ appears to the board of commissioners of public lands that all the conditions relating to the issuance of patents have been complied with, the board may issue patents, and the county board of any county may cause ~~such the~~ the patents to be recorded in the county and pay the cost of ~~such the~~ the recording.

NOTE: "Board" is defined in s. 24.01 as the board of commissioners of public lands.

SECTION 95. 24.26 of the statutes is amended to read:

24.26 Patentee's rights. Except as provided otherwise by under s. 24.11, any person, or the person's heirs or assigns, who ~~shall receive~~ receives a patent pursuant to law for any public lands ~~shall thereby acquire~~ acquires the right to all timber, lumber, trees, wood, bark, stone, earth, and other materials cut, dug, taken, or removed ~~therefrom from the lands subject to the patent~~ before the issue of ~~such the~~ the patent, unless the same ~~shall have been~~ materials were cut, dug, taken, or removed by the assent of ~~said the~~ the board or ~~were~~ was sold by the state, and. ~~The person receiving the patent may maintain any proper an action for the recovery thereof of the materials that were cut, dug, taken, or removed, or for any injury done to or trespass committed upon said the lands before such the patent shall have been was issued, in the same manner and, with the like same effect, and the person shall be entitled to like with the same entitlement to damages as if such the injury or trespass had been committed after the patent had was issued.~~

NOTE: Deletes excess verbiage and inserts specific references.

SECTION 96. 24.28 of the statutes is renumbered 24.28 (1) (a) and amended to read:

24.28 (1) (a) ~~In the case of the nonpayment Nonpayment of interest when it is due according to the terms of the certificate of sale, or of,~~

(b) Nonpayment of any taxes which that before said the annual interest required by the certificate of sale is paid shall have been are returned to the board of commissioners of public lands by the county treasurer as due and unpaid upon ~~such land, or the lands described in the certificate.~~

(c) Nonpayment of the principal owing on the purchase of the lands described in the certificate of sale when required by the board, ~~such certificate shall become void from the time of such failure, and the purchaser, the purchaser's heirs and assigns, shall forfeit all right and interest in the lands described in such certificate; and,~~

(2) In the event of a forfeiture of lands under sub. (1), the board may take immediate possession thereof and may of and resell the same the forfeited lands as hereinafter provided under ss. 24.29 to 24.33.

NOTE: Subdivides provision, reorganizes text, deletes excess verbiage, and inserts specific references. "Board" is defined in s. 24.01 as the board of commissioners of public lands. Language stricken in the new sub. (1) (c) is moved to a new s. 24.28 (1) (intro.) by the next section of this bill for more logical placement.

SECTION 97. 24.28 (1) (intro.) of the statutes is created to read:

24.28 (1) (intro.) A certificate of sale issued under s. 24.17 becomes void upon the occurrence of any of the following, and the purchaser of the lands described in the certificate, or the purchaser's heirs and assigns, shall forfeit all right and interest in the lands:

NOTE: See the previous section of this bill.

SECTION 98. 24.29 of the statutes is amended to read:

24.29 Redemption. At any time before the 5 days next preceding the reoffering of ~~such land~~ any land forfeited under s. 24.28, the former purchaser, or the former purchaser's assigns or legal representatives, may, prevent the resale of the forfeited lands and revive the original contract by the payment of paying the principal sum due, with interest, and all taxes returned thereon on the forfeited lands to the secretary of administration ~~which that~~ that are still unpaid, and all costs occasioned by the delay, together with 3% ~~3 percent~~ percent damages on the whole sum owing for ~~such land, prevent such resale and revive the original contract the forfeited lands.~~

NOTE: Reorganizes text, deletes excess verbiage, inserts specific references, and conforms the expression of "percent" to current style.

SECTION 99. 24.30 of the statutes is amended to read:

24.30 Liability of former purchaser. In case of ~~such a forfeiture of lands under s. 24.28, the former purchaser of such land the forfeited lands~~ shall be liable for any waste or unnecessary injury ~~which that~~ that the former purchaser may have done to the same, forfeited lands or to the timber or mineral ~~thereon; and any minerals located upon the forfeited lands. An action therefor for waste or unnecessary injury under this section~~ may be prosecuted by the board in the name of the state.

NOTE: Divides long sentence and inserts specific references.

SECTION 100. 24.31 of the statutes is amended to read:

24.31 Advertisement and resale of forfeited lands. Whenever any public lands have been forfeited under s. 24.28 for the nonpayment of either principal, interest, or taxes, and the lands have remained forfeited for 3

months, the board shall first cause ~~such~~ the forfeited lands to be appraised as provided by under s. 24.08 and shall thereupon, Upon completion of the appraisal, the board shall advertise ~~such the forfeited~~ land for sale as provided by under s. 24.09; and shall further state in the notice that the lands have been forfeited and give the names of the former purchasers. ~~Such~~ The sale of the forfeited lands shall be made either in the county where the lands lie or at the capitol on a day not less than 3 months nor more than 6 months after the first insertion of the notice. The board shall publish a class 3 notice, under ch. 985, of the sale giving the time and place where ~~such the~~ sale will be held and the county in which ~~such the~~ lands being sold are situated, but omitting any description of ~~such the~~ lands; ~~the~~. The last insertion of the notice shall be at least one week previous prior to the time of commencing such the sale is to commence.

NOTE: Divides long sentence, replaces the passive voice with the active, and inserts specific references.

SECTION 101. 24.32 of the statutes is amended to read:

24.32 Resale and redemption. (1) Unless ~~such the~~ resale be of lands forfeited under s. 24.28 is prevented by payment as ~~hereinbefore provided by~~ under s. 24.29, ~~such the forfeited~~ lands shall be offered for sale at public auction to the highest bidder; in the manner and upon the terms provided; for original sales; and, if the lands are not then sold, the lands shall be subject to private entry ~~thereafter~~.

(2) (a) Every ~~such~~ tract of forfeited lands may be redeemed by the former purchaser ~~thereof, or~~ the former purchaser's assigns or legal representatives, at any time before the June 30th next following the date of ~~such the~~ resale, upon presenting of the forfeited tract, by doing all of the following:

1. Presenting to the board satisfactory proof, which shall be filed and preserved by it the board, that ~~such the~~ tract was, at the time of the resale, in whole or in part under cultivation or adjoining a tract partly cultivated, belonging to the former purchaser, ~~or~~ the former purchaser's assigns or legal representatives, and used in connection therewith, and upon depositing with the adjoining tract.

2. Depositing with the secretary of administration, for the use of the purchaser at ~~such the~~ resale of the forfeited tract the amount paid by the the resale purchaser for ~~such land the tract~~, together with 25% of the amount of ~~such the~~ taxes, interest, and costs, in addition thereto; and every to the purchase price.

(b) Every certificate of sale issued upon any ~~such~~ resale of forfeited lands shall be subject to the right of redemption under par. (a) whether ~~it be or not the right of~~ redemption is expressed in ~~such the~~ certificate ~~or not~~. ~~And no.~~ No patent shall be issued on any ~~such~~ resale of a forfeited tract until the expiration of ~~such the~~ redemption period under par. (a).

(3) Upon ~~such a~~ redemption under sub. (2), the board shall ~~cancel such~~ do all of the following:

(a) Cancel the certificate, ~~and shall make~~ of sale issued to the resale purchaser.

(b) Make and deliver to the party so redeeming the forfeited lands a certificate thereof, and shall also record ~~the same~~ of the redemption.

(c) Record the certificate of the redemption in a book ~~to be kept in its~~ the board's office for that purpose.

NOTE: Subdivides long provisions and inserts specific references.

SECTION 102. 24.34 of the statutes is amended to read:

24.34 Void sales. In ~~ease of~~ the event that the sale of any public lands are made by mistake; or not in accordance with law, or are obtained by fraud, ~~and in cases where or in the event that~~ the state had no title to ~~such the~~ lands sold, or its the state's title has failed, ~~such the~~ sale of the lands shall be void and no contract, certificate of purchase, or patent issued ~~thereon on the lands sold~~ shall be of any effect, but the person named as vendee, or that person's successor in interest, as ~~the case may be~~, may furnish to the board ~~such any~~ proof as ~~shall that will~~ satisfy it the board of the facts. Thereupon it Except as provided in s. 24.341, upon receipt of satisfactory proof of the facts asserted by the vendee, the board shall order all amounts, either of principal or interest, paid for the lands described in the contract, certificate, or patent, together with the interest ~~thereon on the amounts so paid~~ from the time of each such payment, at the rate of ~~6%~~ 6 percent per year, simple interest, to be refunded and paid out of the state treasury, from the fund to which it has been credited, to the person entitled thereto; provided that to the refund. Notwithstanding anything contained in this section, no money shall be paid to any person participating in any such fraud in obtaining the land, as provided in this section.

NOTE: Divides long sentence, inserts specific references, and conforms the expression of "percent" to current style.

SECTION 103. 24.341 of the statutes is amended to read:

24.341 Offset to refund on void sales. Whenever any claim ~~shall be~~ is made for a refund on a void land sale under s. 24.34, the board ~~of commissioners of public~~ lands shall make an investigation and determination, and offset the value of the use of ~~said the~~ land, property removed ~~therefrom from the land~~, and the damage or injury ~~thereto to the land~~ by ~~such the~~ claimant, together with interest thereon, against the amounts actually paid to the state and to any other persons on account of the purchase, possession, use, damage, or injury to ~~such the~~ lands by ~~said the~~ claimants. The refund or payment to be made under s. 24.34 shall in no case be more than the excess, if any, of the amounts paid out by ~~such the~~ claimant, with interest, over ~~such the~~ offset determined under this section.

NOTE: Inserts specific references. "Board" is defined in s. 24.01 as the board of commissioners of public lands.

SECTION 104. 24.35 of the statutes is amended to read:

24.35 Annulment of certificates and patents.

Whenever the board ~~shall have~~ has erroneously or improperly issued any certificate or patent for any public lands; whereby wrong or injustice has been or may be done, including cases ~~where~~ in which the state had no title to the lands, or its title has failed, ~~it the board~~ may, upon the written application of the purchaser, or the purchaser's successor in interest, ~~revoke and annul such the~~ revoke and annul the certificate or patent by its order, which, ~~with such the~~ with the application, shall be filed and recorded in ~~its the board's~~ the board's office. A certified copy of ~~such the board's~~ the board's order may be recorded in the office of the register of deeds for the county where ~~such the~~ the lands lie, and ~~thereupon such upon~~ upon the recording of the order, the certificate or patent shall be ~~absolutely null and void~~. When ~~such the board's~~ the board's order is so recorded there shall be paid out of the state treasury, from the fund to which it has been credited, to the purchaser, or the purchaser's successor in interest, the amounts in the manner and as provided in s. 24.34.

NOTE: Inserts specific references.

SECTION 105. 24.355 of the statutes is amended to read:

24.355 Limitation of actions. All claims under s. 24.34 or 24.35 shall ~~become~~ be barred, unless application therefor ~~be~~ is for a payment refund ~~is~~ made within 5 years from the time of ~~such the~~ the payment, or, in cases ~~where~~ in which the state never had title, from the time when the invalidity of the title of the state was established.

NOTE: Inserts specific references.

SECTION 106. 24.36 of the statutes is amended to read:

24.36 Lost certificates and patents. Whenever any duplicate certificate of sale ~~shall have~~ has been lost or destroyed before the patent ~~shall issue~~ has been issued, or whenever any patent ~~shall have~~ has been lost or destroyed, the board, upon satisfactory proof of the fact, ~~established~~ established by affidavit ~~to be~~ to be filed with ~~it the board~~ the board, may issue a certified copy of the original certificate of sale or of the record in ~~its the board's~~ the board's office of ~~such the~~ the patent, or a quitclaim deed in place of ~~such the missing~~ the missing patent, to the person entitled ~~thereto to the copy of the certificate or record of the patent, or quitclaim deed~~, which shall have the same force and effect as the original duplicate certificate or patent. ~~Its The board's~~ The board's certificate to ~~such the~~ the copy and quitclaim deed shall recite the loss or destruction of the original.

NOTE: Inserts specific references.

SECTION 107. 24.37 of the statutes is amended to read:

24.37 Ejectment. If any person ~~shall hold~~ holds or ~~continue~~ continues in possession of any public lands without written permission from the board, or contrary to the conditions or covenants of any lease or written agree-

ment, or after ~~such the~~ the lands have been forfeited to the state, that person shall be liable to an action by the state or any purchaser from the state for an unlawful detainer or other proper action to recover possession of ~~such the~~ the lands ~~with and for~~ and for damages for the detention of the ~~same the~~ lands.

NOTE: Inserts specific references.

SECTION 108. 24.38 of the statutes is amended to read:

24.38 Boundaries. The lines, boundaries, and descriptions of the swamp lands as exhibited by the plats and field notes of the United States survey are adopted and ~~shall be~~ shall be deemed conclusively to be the true lines, boundaries, and descriptions ~~thereof of those swamp~~ lands.

NOTE: Inserts specific references.

SECTION 109. 24.39 (title) of the statutes is amended to read:

24.39 (title) Leases, etc. of public lands.

NOTE: Deletes disfavored term.

SECTION 110. 45.014 (title) of the statutes is amended to read:

45.014 (title) Wisconsin veterans museum Veterans Museum.

NOTE: Changes capitalization consistent with the treatment of this section by 2001 Wis. Act 103 as already reflected in the printed volumes.

SECTION 111. 48.685 (5) (bm) 4. of the statutes is amended to read:

48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5), or (6), 940.20, 940.203, 940.205, 940.207, or 940.25, a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under s. 346.65 (2) (e) ~~(am) 5.~~ (am) 5. or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a felony, if committed not more than 5 years before the date of the investigation under sub. (2) (am).

NOTE: Changes cross-reference to accommodate renumbering by SECTION 136 of this bill.

SECTION 112. 59.70 (23) of the statutes is amended to read:

59.70 (23) COUNTY NATURAL BEAUTY COUNCILS. The board may create a county natural beauty council as a committee of the board, composed of such board members, public members and governmental personnel as the board designates. The council shall advise governmental bodies and citizens in the county on matters affecting the preservation and enhancement of the county's natural beauty, and aid and facilitate the aims and objectives of the natural beauty council described in s. 144.76 (3) (intro.), 1973 stats.

NOTE: The phrase "the aims and objectives of the natural beauty council" has no referent in current law. The provision has been clarified by the addition of a cross-reference to the law in which the aims and objectives of the natural beauty council were last stated. Subsequent to the publication of the 1973-74 Wisconsin Statutes, ch. 224, Laws of 1975, changed the name of the natural beauty council (though not its objec-

tives), and ch. 29, Laws of 1977, eliminated the council altogether (by the repeal of s. 15.347 (1)). Neither of these acts made any changes to s. 59.70 (23) (at that time numbered s. 59.07 (59)).

SECTION 113. 73.10 (2) (b) 1. b. of the statutes is amended to read:

73.10 (2) (b) 1. b. That the statements, notes, and schedules under subd. 1. a. conform to generally accepted accounting principles promulgated by the governmental accounting standards board Governmental Accounting Standards Board or its successor bodies.

NOTE: Conforms capitalization to current style.

SECTION 114. 77.52 (2) (a) 10. of the statutes is amended to read:

77.52 (2) (a) 10. Except for services provided by veterinarians and except for installing or applying tangible personal property which that, subject to par. (ag), when installed or applied, will constitute an addition or capital improvement of real property, the repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection, and maintenance of all items of tangible personal property unless, at the time of such the repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection, or maintenance, a sale in this state of the type of property repaired, serviced, altered, fitted, cleaned, painted, coated, towed, inspected, or maintained would have been exempt to the customer from sales taxation under this subchapter, other than the exempt sale of a motor vehicle or truck body to a nonresident under s. 77.54 (5) (a) and other than nontaxable sales under s. 77.51 (14r). ~~For purposes of this paragraph, the following items shall be considered to have retained their character as tangible personal property, regardless of the extent to which any such item is fastened to, connected with, or built into real property: furnaces, boilers, stoves, ovens, including associated hoods and exhaust systems, heaters, air conditioners, humidifiers, dehumidifiers, refrigerators, coolers, freezers, water pumps, water heaters, water conditioners and softeners, clothes washers, clothes dryers, dishwashers, garbage disposal units, radios and radio antennas, incinerators, television receivers and antennas, record players, tape players, jukeboxes, vacuum cleaners, furniture and furnishings, carpeting and rugs, bathroom fixtures, sinks, awnings, blinds, gas and electric logs, heat lamps, electronic dust collectors, grills and rotisseries, bar equipment, intercoms, recreational, sporting, gymnasium and athletic goods and equipment including by way of illustration but not of limitation bowling alleys, golf practice equipment, pool tables, punching bags, ski tows and swimming pools; equipment in offices, business facilities, schools, and hospitals but not in residential facilities including personal residences, apartments, long-term care facilities, as defined under s. 16.009 (1) (em), state institutions, as defined under s. 101.123 (1) (i), Type I secured correctional facilities, as defined in s. 938.02 (19), or similar facilities including, by way of illustration but not of limi-~~

tation, lamps, chandeliers, and fans, venetian blinds, canvas awnings, office and business machines, ice and milk dispensers, ~~beverage-making equipment, vending machines, soda fountains, steam warmers and tables, compressors, condensing units and evaporative condensers, pneumatic conveying systems; laundry, dry cleaning, and pressing machines, power tools, burglar alarm and fire alarm fixtures, electric clocks and electric signs.~~ "Service" does not include services performed by veterinarians. The tax imposed under this subsection applies to the repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection, or maintenance of items listed in ~~this subdivision par. (ag),~~ regardless of whether the installation or application of tangible personal property related to the items is an addition to or a capital improvement of real property, except that the tax imposed under this subsection does not apply to the original installation or the complete replacement of an item listed in ~~this subdivision par. (ag),~~ if ~~such the~~ installation or replacement is a real property construction activity under s. 77.51 (2).

NOTE: Subdivides a long provision by deleting a list to be converted to tabular form in a newly created separate paragraph and otherwise rearranging text for improved readability and conformity with current style. See the next section of this bill.

SECTION 115. 77.52 (2) (ag) of the statutes is created to read:

77.52 (2) (ag) For purposes of par. (a) 10., the following items shall be considered to have retained their character as tangible personal property, regardless of the extent to which the item is fastened to, connected with, or built into real property:

1. Furnaces.
2. Boilers.
3. Stoves.
4. Ovens, including associated hoods and exhaust systems.
5. Heaters.
6. Air conditioners.
7. Humidifiers.
8. Dehumidifiers.
9. Refrigerators.
10. Coolers.
11. Freezers.
12. Water pumps.
13. Water heaters.
14. Water conditioners and softeners.
15. Clothes washers.
16. Clothes dryers.
17. Dishwashers.
18. Garbage disposal units.
19. Radios and radio antennas.
20. Incinerators.
21. Television receivers and antennas.
22. Record players.
23. Tape players.

24. Jukeboxes.
25. Vacuum cleaners.
26. Furniture and furnishings.
27. Carpeting and rugs.
28. Bathroom fixtures.
29. Sinks.
30. Awnings.
31. Blinds.
32. Gas and electric logs.
33. Heat lamps.
34. Electronic dust collectors.
35. Grills and rotisseries.
36. Bar equipment.
37. Intercoms.
38. Recreational, sporting, gymnasium, and athletic goods and equipment including, by way of illustration but not of limitation, all of the following:
 - a. Bowling alleys.
 - b. Golf practice equipment.
 - c. Pool tables.
 - d. Punching bags.
 - e. Ski tows.
 - f. Swimming pools.
39. Equipment in offices, business facilities, schools, and hospitals but not in residential facilities including personal residences, apartments, long-term care facilities, as defined under s. 16.009 (1) (em), state institutions, as defined under s. 101.123 (1) (i), Type 1 secured correctional facilities, as defined in s. 938.02 (19), or similar facilities including, by way of illustration but not of limitation, all of the following:
 - a. Lamps.
 - b. Chandeliers.
 - c. Fans.
 - d. Venetian blinds.
 - e. Canvas awnings.
 - f. Office and business machines.
 - g. Ice and milk dispensers.
 - f. Beverage-making equipment.
 - g. Vending machines.
 - f. Soda fountains.
 - g. Steam warmers and tables.
 - h. Compressors.
 - i. Condensing units and evaporative condensers.
 - j. Pneumatic conveying systems.
40. Laundry, dry cleaning, and pressing machines.
41. Power tools.
42. Burglar alarm and fire alarm fixtures.
43. Electric clocks.
44. Electric signs.

NOTE: List is moved from s. 77.52 (2) (a) 10. and divided into tabular form for improved readability and conformity with current style.

SECTION 116. 77.54 (14) (f) of the statutes is renumbered 77.54 (14) (f) (intro.) and amended to read:

77.54 (14) (f) (intro.) Furnished without charge to ~~any of the following if the medicine may not be dispensed without a prescription:~~

1. A physician_;
2. A surgeon_;
3. A nurse anesthetist_;
4. An advanced practice nurse_;
5. An osteopath_;
6. A dentist who is licensed under ch. 447_;
7. A podiatrist who is licensed under ch. 448_; ~~or~~
8. An optometrist who is licensed under ch. 449 ~~if the medicine may not be dispensed without a prescription.~~

NOTE: Subdivides a long provision by placing a list in tabular form and reorders text to accommodate the numbering of the subdivided list.

SECTION 117. 77.54 (20) (bg) 1. of the statutes is renumbered 77.54 (20) (bg) 1. a. and amended to read:

77.54 (20) (bg) 1. a. “Meal” includes, but is not limited to, a diversified selection of food, food products_; or beverages that are customarily consumed as a breakfast, lunch_; or dinner, that may not easily be consumed without an article of tableware_; and that may not conveniently be consumed while standing or walking_; ~~except that “meal”~~

b. “Meal” does not include frozen items that are sold to a consumer, items that are customarily heated or cooked after the retail sale and before they are consumed_; or a diversified selection of food, food products_; and beverages that is packaged together by a person other than the retailer before the sale to the consumer.

NOTE: Subdivides provision.

SECTION 118. 77.54 (20) (bg) 2. of the statutes is renumbered 77.54 (20) (bg) 2. a. and amended to read:

77.54 (20) (bg) 2. a. “Sandwich” means food that consists of a filling_; such as meat, cheese_; or a savory mixture_; that is placed on a slice, or between 2 slices_; of a variety of bread or something that takes the place of bread_; such as a roll, croissant_; or bagel.

b. “Sandwich” includes, but is not limited to, burritos, tacos, enchiladas, chimichangas, pita sandwiches, gyros_; and pocket sandwiches.

c. “Sandwich” does not include hors d’oeuvres, canapes, egg rolls, cookies, cakes, pies_; and similar desserts and pastries_; and food that is sold frozen.

NOTE: Subdivides provision, inserts serial commas, and otherwise modifies punctuation for improved readability and conformity with current style.

SECTION 119. 84.30 (10m) of the statutes is amended to read:

84.30 (10m) ANNUAL PERMIT FEE REQUIREMENT. The department may promulgate a rule requiring persons specified in the rule to pay annual permit fees for signs. The rule shall specify that no permit fee may be charged for an off-premises advertising sign that is owned by a non-profit organization. If the department establishes an annual permit fee under this subsection, failure to pay the

fee within 2 months after the date on which payment is due is evidence that the sign has been abandoned for the purposes of s. TRANS Trans 201.10 (2) (f), Wis. Adm. Code.

NOTE: Corrects capitalization, as already reflected in the printed volumes.

SECTION 120. 108.02 (15) (k) (intro.), 2., 6., 7., 10., 14., 15., 16. and 19. (intro.) and b. of the statutes are amended to read:

108.02 (15) (k) (intro.) “Employment” as applied to work for a given employer other than a government unit or nonprofit organization, except as ~~such~~ the employer ~~duly~~ elects otherwise with the department’s approval, does not include service:

2. As a domestic in the employ of an individual in ~~such~~ the individual’s private home, or as a domestic in the employ of a local college club or of a local chapter of a college fraternity or sorority, unless performed for an individual, club, or chapter ~~which~~ that is an employer subject to this chapter under sub. (13) (d) or (i);

6. By an individual for a person as an insurance agent or an insurance solicitor, if all ~~such~~ of the service performed as an insurance agent or solicitor by ~~such~~ the individual for ~~such~~ the person is performed for remuneration solely by way of commissions;

7. By an individual for a person as a real estate agent or as a real estate salesperson, if all ~~such~~ of the service performed as a real estate agent or sales person by ~~such~~ the individual for ~~such~~ the person is performed for remuneration solely by way of commission;

10. For an employer who would otherwise be subject to this chapter solely because of sub. (13) (f), if and while the employer, with written notice to and approval by the department, ~~duly~~ covers under the unemployment insurance law of another jurisdiction all services for ~~such~~ the employer ~~which~~ that would otherwise be covered under this chapter;

14. By an individual for an employer ~~which~~ that is engaged in the processing of fresh perishable fruits or vegetables within a given calendar year if the individual has been employed by the employer solely within the active processing season or seasons, as determined by the department, of the establishment in which the individual has been employed by the employer, and the individual’s base period wages with the employer are less than the wages required to start a benefit year under s. 108.04 (4) (a), unless the individual was paid wages of \$200 or more for services performed in employment or other work covered by the unemployment insurance law of any state or the federal government, other than work performed for the processing employer, during the 4 most recently completed quarters preceding the individual’s first week of employment by the processing employer within that year;

15. By an individual as a court reporter if the individual receives wages on a per diem basis; ~~or~~

16. By an individual whose remuneration consists solely of commissions, overrides, bonuses, or differentials directly related to sales or other output derived from in-person sales to or solicitation of orders from ultimate consumers, primarily in the home; ~~or~~

19. (intro.) Performed by an individual for a seasonal employer if the individual received written notice from the seasonal employer prior to performing any service for the employer that ~~such~~ the service is potentially excludable under this subdivision unless:

b. The individual has been paid or is treated as having been paid wages or other remuneration of \$500 or more during his or her base period for services performed for at least one employer other than the seasonal employer ~~which~~ that is subject to the unemployment insurance law of any state or the federal government; or

NOTE: Deletes unnecessary “or” in two places, replaces “such” with “the” as appropriate, and deletes “duly” as it has no substantive effect.

SECTION 121. 118.02 (14) of the statutes is renumbered 118.02 (9g).

NOTE: Places subsection in chronological order within list, consistent with the remainder of the section.

SECTION 122. 118.02 (15) of the statutes is renumbered 118.02 (7r).

NOTE: Places subsection in chronological order within list, consistent with the remainder of the section.

SECTION 123. 118.02 (16) of the statutes is renumbered 118.02 (7g).

NOTE: Places subsection in chronological order within list, consistent with the remainder of the section.

SECTION 124. 118.02 (17) of the statutes is renumbered 118.02 (6m).

NOTE: Places subsection in chronological order within list, consistent with the remainder of the section.

SECTION 125. 118.02 (17m) of the statutes is renumbered 118.02 (5r).

NOTE: Places subsection in chronological order within list, consistent with the remainder of the section.

SECTION 126. 118.02 (17r) of the statutes is renumbered 118.02 (9r).

NOTE: Places subsection in chronological order within list, consistent with the remainder of the section.

SECTION 127. 343.06 (1) (c) of the statutes is amended to read:

343.06 (1) (c) To any person under age 18 unless the person is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency, or is enrolled in a home-based private educational program, as defined in s. 115.001 (3g), and has satisfactorily completed a course in driver education in public schools approved by the department of public instruction, or in technical colleges approved by the technical college system board, or in nonpublic and private schools ~~which~~ that meet the minimum standards set by the department of public instruction, or has satisfacto-

rily completed a substantially equivalent course in driver training approved by the department and given by a school licensed by the department under s. 343.61, or has satisfactorily completed a substantially equivalent course in driver education or training approved by another state and has attained the age of 16, except as provided in s. 343.07 ~~(4)~~ (1g). The department shall not issue a license to any person under the age of 18 authorizing the operation of "Class M" vehicles unless the person has successfully completed a basic rider course approved by the department. The department may, by rule, exempt certain persons from the basic rider course requirement of this paragraph. Applicants for a license under s. 343.08 or 343.135 are exempt from the driver education, basic rider or driver training course requirement. The secretary shall prescribe rules for licensing of schools and instructors to qualify under this paragraph. The driver education course shall be made available to every eligible student in the state. Except as provided under s. 343.16 (1) (c) and (2) (cm) to (e), no operator's license may be issued unless a driver's examination has been administered by the department.

NOTE: Section 343.07 (1) is renumbered 343.07 (1g) by this bill.

SECTION 128. 343.06 (1) (cm) of the statutes is amended to read:

343.06 **(1)** (cm) To operate "Class D" vehicles to any person under 18 years of age, unless the person has accumulated at least 30 hours of behind-the-wheel driving experience, at least 10 hours of which were during hours of darkness. Each hour of behind-the-wheel driving experience while accompanied by a qualified instructor, as defined in s. 343.07 ~~(5)~~ (1c), shall be considered to be 2 hours of behind-the-wheel driving experience, except that no more than 5 hours of behind-the-wheel driving experience while accompanied by a qualified instructor may be counted in this manner. This paragraph does not apply to applicants for a restricted license under s. 343.08 or a special restricted operator's license under s. 343.135. The department may promulgate rules that waive the requirement of accumulating at least 30 hours of behind-the-wheel experience for qualified applicants who are licensed by another jurisdiction to operate "Class D" vehicles.

NOTE: Section 343.07 (5) is renumbered 343.07 (1c) by this bill.

SECTION 129. 343.07 (1) of the statutes is renumbered 343.07 (1g).

NOTE: Accommodates the renumbering of s. 343.07 (5) by this bill.

SECTION 130. 343.07 (5) of the statutes is renumbered 343.07 (1c).

NOTE: Moves a definition to the beginning of the section in conformity with current style.

SECTION 131. 343.085 (2m) (a) 1. b. of the statutes is amended to read:

343.085 **(2m)** (a) 1. b. A person who meets the requirements under s. 343.07 ~~(4)~~ (1g) (a).

NOTE: Section 343.07 (1) is renumbered 343.07 (1g) by this bill.

SECTION 132. 343.085 (2m) (a) 2. of the statutes is amended to read:

343.085 **(2m)** (a) 2. Between the hours of 12 midnight and 5 a.m., unless the licensee's parent or guardian, or a person who meets the requirements under s. 343.07 ~~(4)~~ (1g) (a), occupies the seat beside the licensee, or unless the licensee is traveling between his or her place of residence, school, and place of employment.

NOTE: Section 343.07 (1) is renumbered 343.07 (1g) by this bill.

SECTION 133. 344.52 (1) of the statutes is renumbered 344.52 (1r) and amended to read:

344.52 **(1r)** Whenever any motor vehicle rented for compensation outside this state is operated in this state, the lessor of ~~such the~~ motor vehicle is directly liable for all damages to persons or property caused by the negligent operation of ~~such the~~ rented vehicle unless, at the time when ~~such the~~ damage or injury occurs, the operation of the rented vehicle is effectively covered by a policy of insurance ~~which that~~ provides coverage at least in the amounts specified in s. 344.01 (2) (d) for property damage, personal injury, or death suffered by any person on account of the negligent operation of ~~such the~~ rented vehicle. The amount of liability imposed upon the lessor by this section in the absence of insurance coverage shall not exceed the limits set forth in s. 344.01 (2) (d) with respect to the acceptable limits of liability when furnishing proof of financial responsibility. The fact that the rented vehicle is operated in this state contrary to any understanding or agreement with the lessor is not a defense to any liability imposed by this section.

NOTE: Renumbers provision to accommodate the renumbering of s. 344.52 (3) by this bill. Disfavored terms are replaced, specific references added, and serial commas inserted for improved readability and conformity with current style.

SECTION 134. 344.52 (3) of the statutes is renumbered 344.52 (1g).

NOTE: Renumbers definition to beginning of section in conformity with current style.

SECTION 135. 346.65 (2) (intro.) of the statutes is renumbered 346.65 (2) (am) (intro.).

NOTE: Renumbers provision to conform with current style that requires each statutory unit that follows an introduction to form a complete sentence when read with the introduction.

SECTION 136. 346.65 (2) (a) to (e) of the statutes are renumbered 346.65 (2) (am) 1. to 5., and 346.65 (2) (am) 1., as renumbered, is amended to read:

346.65 **(2)** (am) 1. Shall forfeit not less than \$150 nor more than \$300, except as provided in ~~pars. (b) to subds. 2. to 5. and par. (f).~~

NOTE: Renumbers provision to conform with current style that requires each statutory unit that follows an introduction to form a complete sentence when read with the introduction. Changes cross-references to accommodate renumbering.

SECTION 137. 346.65 (2) (f) of the statutes is amended to read:

346.65 (2) (f) If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (1), the applicable minimum and maximum forfeitures, fines, or imprisonment under par. (a), (b), (c), (d) or (e) (am) for the conviction are doubled. An offense under s. 346.63 (1) that subjects a person to a penalty under par. (e), (d) or (e) (am) 3., 4., or 5. when there is a minor passenger under 16 years of age in the motor vehicle is a felony and the place of imprisonment shall be determined under s. 973.02.

NOTE: Changes cross-references to accommodate renumbering by SECTION 136 of this bill.

SECTION 138. 346.65 (2) (g) of the statutes is amended to read:

346.65 (2) (g) 1. If a person convicted had an alcohol concentration of 0.17 to 0.199, the applicable minimum and maximum fines under pars. (e) to (e) par. (am) 3. to 5. are doubled.

2. If a person convicted had an alcohol concentration of 0.20 to 0.249, the applicable minimum and maximum fines under pars. (e) to (e) par. (am) 3. to 5. are tripled.

3. If a person convicted had an alcohol concentration of 0.25 or above, the applicable minimum and maximum fines under pars. (e) to (e) par. (am) 3. to 5. are quadrupled.

NOTE: Changes cross-references to accommodate renumbering by SECTION 136 of this bill.

SECTION 139. 346.65 (2c) of the statutes is amended to read:

346.65 (2c) In sub. (2) (b) to (e) (am) 2., 3., 4., and 5., the time period shall be measured from the dates of the refusals or violations that resulted in the revocation or convictions. If a person has a suspension, revocation, or conviction for any offense under a local ordinance or a state statute of another state that would be counted under s. 343.307 (1), that suspension, revocation, or conviction shall count as a prior suspension, revocation, or conviction under sub. (2) (b) to (e) (am) 2., 3., 4., and 5.

NOTE: Changes cross-references to accommodate renumbering by SECTION 136 of this bill.

SECTION 140. 346.65 (2e) of the statutes is amended to read:

346.65 (2e) If the court determines that a person does not have the ability to pay the costs and fine or forfeiture imposed under sub. (2) (a), (b), (c), (d), (e) (am), (f), or (g), the court may reduce the costs, fine, and forfeiture imposed and order the person to pay, toward the cost of the assessment and driver safety plan imposed under s. 343.30 (1q) (c), the difference between the amount of the reduced costs and fine or forfeiture and the amount of

costs and fine or forfeiture imposed under sub. (2) (a), (b), (c), (d), (e) (am), (f), or (g).

NOTE: Changes cross-references to accommodate renumbering by SECTION 136 of this bill.

SECTION 141. 346.65 (2g) (a) of the statutes is amended to read:

346.65 (2g) (a) In addition to the authority of the court under s. 973.05 (3) (a) to provide that a defendant perform community service work for a public agency or a nonprofit charitable organization in lieu of part or all of a fine imposed under sub. (2) (b) to (am) 2., 3., 4., and 5., (f), and (g) and except as provided in par. (ag), the court may provide that a defendant perform community service work for a public agency or a nonprofit charitable organization in lieu of part or all of a forfeiture under sub. (2) (a) (am) 1. or may require a person who is subject to sub. (2) to perform community service work for a public agency or a nonprofit charitable organization in addition to the penalties specified under sub. (2).

NOTE: Changes cross-references to accommodate renumbering by SECTION 136 of this bill.

SECTION 142. 346.65 (2g) (ag) of the statutes is amended to read:

346.65 (2g) (ag) If the court determines that a person does not have the ability to pay a fine imposed under sub. (2) (b) to (am) 2., 3., 4., or 5., (f), or (g), the court shall require the defendant to perform community service work for a public agency or a nonprofit charitable organization in lieu of paying the fine imposed or, if the amount of the fine was reduced under sub. (2e), in lieu of paying the remaining amount of the fine. Each hour of community service performed in compliance with an order under this paragraph shall reduce the amount of the fine owed by an amount determined by the court.

NOTE: Changes cross-references to accommodate renumbering by SECTION 136 of this bill.

SECTION 143. 346.65 (2g) (am) of the statutes is amended to read:

346.65 (2g) (am) Notwithstanding s. 973.05 (3) (b), an order under par. (a) or (ag) may ~~only~~ apply only if agreed to by the organization or agency. The court shall ensure that the defendant is provided a written statement of the terms of the community service order and that the community service order is monitored. Any organization or agency acting in good faith to which a defendant is assigned pursuant to an order under this subsection has immunity from any civil liability in excess of \$25,000 for acts or omissions by or impacting on the defendant. The issuance or possibility of the issuance of a community service order under this subsection does not entitle an indigent defendant who is subject to sub. (2) (a) (am) 1. to representation by counsel under ch. 977.

NOTE: Changes cross-reference to accommodate renumbering by SECTION 136 of this bill. Corrects placement of adverb.

SECTION 144. 346.65 (2g) (d) of the statutes is amended to read:

346.65 (2g) (d) With respect to imprisonment under sub. (2) ~~(b)~~ (am) 2., the court shall ensure that the person is imprisoned for not less than 5 days or ordered to perform not less than 30 days of community service work under s. 973.03 (3) (a).

NOTE: Changes cross-reference to accommodate renumbering by SECTION 136 of this bill.

SECTION 145. 346.65 (2i) of the statutes is amended to read:

346.65 (2i) In addition to the authority of the court under sub. (2g) and s. 973.05 (3) (a), the court may order a defendant subject to sub. (2), or a defendant subject to s. 973.05 (3) (a) who violated s. 346.63 (2), 940.09 (1), or 940.25, to visit a site that demonstrates the adverse effects of substance abuse or of operating a vehicle while under the influence of an intoxicant or other drug, including an alcoholism treatment facility approved under s. 51.45 or an emergency room of a general hospital in lieu of part or all of any forfeiture imposed or in addition to any penalty imposed. The court may order the defendant to pay a reasonable fee, based on the person's ability to pay, to offset the costs of establishing, maintaining, and monitoring the visits ordered under this subsection. The court may order a visit to the site only if agreed to by the person responsible for the site. If the opportunities available to visit sites under this subsection are fewer than the number of defendants eligible for a visit, the court shall, when making an order under this subsection, give preference to defendants who were under 21 years of age at the time of the offense. The court shall ensure that the visit is monitored. A visit to a site may be ordered for a specific time and a specific day to allow the defendant to observe victims of vehicle accidents involving intoxicated drivers. If it appears to the court that the defendant has not complied with the court order to visit a site or to pay a reasonable fee, the court may order the defendant to show cause why he or she should not be held in contempt of court. Any organization or agency acting in good faith to which a defendant is assigned pursuant to an order under this subsection has immunity from any civil liability in excess of \$25,000 for acts or omissions by or impacting on the defendant. The issuance or possibility of the issuance of an order under this subsection does not entitle an indigent defendant who is subject to sub. (2) ~~(a)~~ (am) 1., to representation by counsel under ch. 977.

NOTE: Changes cross-reference to accommodate renumbering by SECTION 136 of this bill.

SECTION 146. 346.65 (2j) (intro.) of the statutes is renumbered 346.65 (2j) (am) (intro.).

NOTE: Renumbers provision to conform with current style that requires each statutory unit that follows an introduction to form a complete sentence when read with the introduction.

SECTION 147. 346.65 (2j) (a), (b) and (c) of the statutes are renumbered 346.65 (2j) (am) 1., 2. and 3., and 346.65 (2j) (am) 1., as renumbered, is amended to read:

346.65 (2j) (am) 1. Shall forfeit not less than \$150 nor more than \$300 except as provided in ~~par. (b), (c) subd. 2. or 3. or par. (d).~~

NOTE: Renumbers provision to conform with current style that requires each statutory unit that follows an introduction to form a complete sentence when read with the introduction. Changes cross-references to accommodate renumbering.

SECTION 148. 346.65 (2j) (d) of the statutes is amended to read:

346.65 (2j) (d) If there was a minor passenger under 16 years of age in the commercial motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (5), the applicable minimum and maximum forfeitures, fines, or imprisonment under ~~par. (a), (b) or (c) (am) 1., 2., or 3.~~ for the conviction are doubled. An offense under s. 346.63 (5) that subjects a person to a penalty under ~~par. (c) (am) 3.~~ when there is a minor passenger under 16 years of age in the commercial motor vehicle is a felony and the place of imprisonment shall be determined under s. 973.02.

NOTE: Changes cross-references to accommodate renumbering by SECTION 147 of this bill.

SECTION 149. 346.65 (7) of the statutes is amended to read:

346.65 (7) A person convicted under sub. (2) ~~(b), (c), (d) or (e) (am) 2., 3., 4., or 5.~~ or (2j) ~~(b) or (c) (am) 2. or 3.~~ shall be required to remain in the county jail for not less than a 48-consecutive-hour period.

NOTE: Changes cross-references to accommodate renumbering by SECTIONS 136 and 147 of this bill.

SECTION 150. 441.001 (4) (b) of the statutes is amended to read:

441.001 (4) (b) The execution of procedures and techniques in the treatment of the sick under the general or special supervision or direction of a physician, podiatrist licensed under ch. 448, dentist licensed under ch. 447, or optometrist licensed under ch. 449, or under an order of a person who is licensed to practice medicine, podiatry, dentistry, or optometry in another state if the person making the order prepared the order after examining the patient in that other state and directs that the order be carried out in this state.

NOTE: Inserts serial comma consistent with current style.

SECTION 151. 758.13 (1) of the statutes is renumbered 758.13 (1) (a) (intro.) and amended to read:

758.13 (1) (a) (intro.) There is created a judicial council of 21 members as follows: -a

1. One supreme court justice designated by the supreme court; -a.

2. One court of appeals judge designated by the court of appeals; ~~the.~~

3. The director of state courts or his or her designee;

4. Four circuit judges designated by the judicial conference; ~~the.~~

5. The chairpersons of the senate and the assembly committees dealing with judicial affairs or a member of each such committee designated by the respective chairperson; ~~the~~.

6. The attorney general or his or her designee; ~~the~~.

7. The revisor of statutes or an assistant designated by the revisor; ~~the~~.

8. The deans of the law schools of the University of Wisconsin and Marquette University or a member of the respective law school faculties designated by the deans; ~~the~~.

9. The state public defender or his or her designee; ~~the~~.

10. The president-elect of the ~~state bar~~ State Bar of Wisconsin or a member of the board of governors of the state bar designated by the president-elect ~~and 3~~.

11. Three additional members ~~thereof of the state bar~~ selected by the state bar to serve 3-year terms; ~~one~~.

12. One district attorney appointed by the governor; ~~and 2~~.

13. Two citizens at large appointed by the governor to serve 3-year terms.

(b) The names of the judicial council members shall be certified to the secretary of state by the executive secretary of the judicial commission. Members shall hold office until their successors have been selected. Members shall receive no compensation, but shall be reimbursed from the appropriation made by s. 20.665 (1) for expenses necessarily incurred by ~~them~~ members in attending council meetings.

NOTE: Subdivides a long provision by placing a list in tabular form. Inserts specific references and changes capitalization.

SECTION 152. 895.42 (title) of the statutes is amended to read:

895.42 (title) Deposit of undistributed money and property by administrators personal representatives and others.

NOTE: Replaces "administrators" in accordance with 2001 Wis. Act 102.

SECTION 153. 973.05 (2m) of the statutes is renumbered 973.05 (2m) (intro.) and amended to read:

973.05 (2m) (intro.) Payments under this section shall be applied ~~first to~~ as applicable in the following order:

(a) To payment of the penalty surcharge until paid in full, ~~shall then be applied to the~~.

(b) To payment of the jail surcharge until paid in full, ~~shall then be applied to the~~.

(c) To payment of part A of the crime victim and witness assistance surcharge until paid in full, ~~shall then be applied to~~.

(d) To payment of part B of the crime victim and witness assistance surcharge until paid in full, ~~shall then be applied to~~.

(e) To payment of the crime laboratories and drug law enforcement surcharge until paid in full, ~~shall then be applied to~~.

(f) To payment of the deoxyribonucleic acid analysis surcharge until paid in full, ~~shall then be applied to~~.

(g) To payment of the drug abuse program improvement surcharge until paid in full, ~~shall then be applied to~~.

(h) To payment of the driver improvement surcharge until paid in full, ~~shall then be applied to~~.

(i) To payment of the truck driver education surcharge if applicable until paid in full, ~~shall then be applied to~~.

(j) To payment of the domestic abuse surcharge until paid in full, ~~shall then be applied to~~.

(k) To payment of the consumer protection surcharge until paid in full, ~~shall then be applied to~~.

(L) To payment of the natural resources surcharge if applicable until paid in full, ~~shall then be applied to~~.

(m) To payment of the natural resources restitution surcharge until paid in full, ~~shall then be applied to the~~.

(n) To payment of the environmental surcharge if applicable until paid in full, ~~shall then be applied to the~~.

(o) To payment of the wild animal protection surcharge if applicable until paid in full, ~~shall then be applied to~~.

(p) To payment of the weapons surcharge until paid in full, ~~shall then be applied to~~.

(q) To payment of the uninsured employer surcharge until paid in full, ~~shall then be applied to~~.

(r) To payment of the enforcement surcharge under s. 253.06 (4) (c), ~~if applicable, until paid in full, and shall then be applied to~~.

(s) To payment of the fine and the costs and fees imposed under ch. 814.

NOTE: Subdivides list. Makes "as applicable" applicable to the entire provision for parallel construction.

SECTION 154. 973.09 (1) (d) 1. of the statutes is amended to read:

973.09 (1) (d) 1. A violation under s. 346.63 (1) that subjects the person to a mandatory minimum period of imprisonment under s. 346.65 (2) ~~(b) or (c)~~ (am) 2. or 3.

NOTE: Changes cross-references to accommodate renumbering by SECTION 136 of this bill.

SECTION 155. 973.09 (1) (d) 3. of the statutes is amended to read:

973.09 (1) (d) 3. A violation under s. 346.63 (5) that subjects the person to a mandatory minimum period of imprisonment under s. 346.65 (2j) ~~(e)~~ (am) 3., if the person has a total of 3 or fewer convictions, suspensions or revocations counted under s. 343.307 (2).

NOTE: Changes cross-reference to accommodate renumbering by SECTION 147 of this bill.